

WELSH STATUTORY INSTRUMENTS

2019 No. 422

The National Health Service (Clinical Negligence Scheme) (Wales) Regulations 2019

Other liabilities for which members are treated as liable

9.—(1) In this regulation, “health services provider” means an NHS Trust, Local Health Board or a primary medical services provider.

(2) The Scheme applies to the qualifying liabilities of a health services provider which is not a member of the Scheme (“the contractor”) where its provision of relevant health services is the subject of an arrangement between it and another health services provider which is a member of the Scheme.

(3) Qualifying liabilities to which the Scheme applies under paragraph (2) are to be treated for the purposes of the Scheme and these Regulations as if they were liabilities of the health services provider who is a member of the Scheme and which entered into the arrangement.

(4) Qualifying liabilities of a contractor are any liability in tort under the law of England and Wales which—

- (a) the contractor owes to a third party in respect of or consequent upon personal injury or loss as specified in paragraph (5), and
- (b) is in consequence of the arrangement referred to in paragraph (2).

(5) The personal injury or loss referred to in paragraph (4)(a) is personal injury or loss arising out of or in connection with any breach of a duty of care which—

- (a) the contractor owes to any person in connection with the diagnosis of any illness or the care or treatment of any patient, and
- (b) is in consequence of any act or omission specified in paragraph (6).

(6) The act or omission referred to in paragraph (5)(b) is an act or omission to act in connection with the provision of relevant health services on the part of—

- (a) the contractor,
- (b) a person employed or engaged by the contractor, or
- (c) an employee or agent of a person engaged by the contractor.

Modifications etc. (not altering text)

C1 Reg. 9(4) applied (1.10.2023) by [The National Health Service \(General Medical Services Contracts\) \(Wales\) Regulations 2023 \(S.I. 2023/953\)](#), reg. 1(2), [Sch. 3 para. 130\(3\)](#)

Commencement Information

I1 Reg. 9 in force at 1.4.2019, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Clinical Negligence Scheme) (Wales) Regulations 2019, Section 9.