



NHS Redress (Wales) Measure 2008

2008 nawm 1

1 Power of Welsh Ministers to make regulations in respect of NHS redress

- (1) The Welsh Ministers may make provision by regulations for the purpose of enabling redress to be provided without recourse to civil proceedings in circumstances in which this section applies.
- (2) This section applies where under the law of England and Wales qualifying liability in tort on the part of a body or person mentioned in subsection (3) arises in connection with the provision of qualifying services in Wales or elsewhere as part of the health service in Wales.
- (3) The bodies and persons referred to in subsection (2) are—
 - (a) an NHS Trust in Wales;
 - (b) a Local Health Board;
 - (c) a Special Health Authority;
 - (d) the Welsh Ministers;
 - (e) a body or person providing, or arranging for the provision of, services whose provision is the subject of arrangements with a body or person mentioned in paragraphs (a) to (d).
- (4) The reference in subsection (2) to qualifying liability in tort is to liability in tort owed in respect of, or consequent upon, personal injury or loss arising out of or in connection with breach of a duty of care owed to any person in connection with the diagnosis of illness, or in the care or treatment of any patient—
 - (a) in consequence of any act or omission by a health care professional, or
 - (b) in consequence of any act or omission by any other body or person as the Welsh Ministers may specify by the regulations.
- (5) For the purposes of subsection (2), services are qualifying services if they are of such description (including a description involving provision outside Wales) as the Welsh Ministers may specify by the regulations.
- (6) In subsection (3)(e), the reference to a person providing services does not include a person providing services under a contract of employment.