



# NHS Redress Act 2006

## 2006 CHAPTER 44

### *Wales*

#### **17 Framework power**

- (1) The National Assembly for Wales may by regulations made by statutory instrument make provision—
  - (a) for the purpose of enabling redress to be provided without recourse to civil proceedings in circumstances in which, under the law of England and Wales, qualifying liability in tort arises in connection with the provision of services (in Wales or elsewhere) as part of the health service in Wales;
  - (b) for any purpose connected with provision under paragraph (a).
- (2) The reference in subsection (1)(a) 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 the care or treatment of any patient.
- (3) Subject to subsection (4), the provision that may be made under subsection (1) includes any provision that could be made by an Act of Parliament.
- (4) The power conferred by subsection (1) shall not include power—
  - (a) to make any provision imposing or increasing taxation;
  - (b) to make provision taking effect from a date earlier than that of the making of the instrument containing the provision;
  - (c) to confer any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal;
  - (d) to create any new criminal offence;
  - (e) to make provision extending otherwise than to England and Wales;
  - (f) to make provision applying in relation to England, without the consent of the Secretary of State.
- (5) Subsection (4)(c) does not preclude the modification of a power to legislate conferred otherwise than under subsection (1), or the extension of any such power to purposes of a like nature as those for which it was conferred.

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*Status: This is the original version (as it was originally enacted).*

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- (6) A power to give directions as to matters of administration is not to be regarded as a power to legislate within the meaning of subsection (4)(c).
- (7) The power under subsection (1)(a) (as well as being exercisable in relation to all cases to which it extends) may be exercised in relation to all those cases subject to exceptions or in relation to any particular case or class of case.