

2005 No. 474

DAMAGES, ENGLAND AND WALES

DAMAGES, NORTHERN IRELAND

**The Damages (Government and Health Service Bodies) Order
2005**

<i>Made</i> - - - -	<i>4th March 2005</i>
<i>Laid before Parliament</i>	<i>9th March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 2A(2) of the Damages Act 1996^(a), hereby makes the following Order:

1.—(1) This Order may be cited as the Damages (Government and Health Service Bodies) Order 2005 and shall come into force on 1st April 2005.

(2) This Order extends to England and Wales and Northern Ireland.

2.—(1) The government bodies listed in Part 1 of the Schedule to this Order are hereby designated under section 2A(2) of the Damages Act 1996 as government bodies for the purposes of section 2(4)(c) and (7)(d) of that Act.

(2) The health service bodies listed in Part 2 of the Schedule to this Order are hereby designated under section 2A(2) of the Damages Act 1996 as health service bodies for the purposes of section 2(4)(c) and (7)(d) of that Act.

Signed by authority of the Lord Chancellor

Date 4th March 2005

David Lammy
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(a) 1996 c. 48; section 2A was inserted by the Courts Act 2003 (c. 39), section 100.

SCHEDULE

Article 2

PART 1

Designated government bodies

Department for Constitutional Affairs

Department for Culture, Media and Sport

Ministry of Defence

Office of the Deputy Prime Minister

Department for Education and Skills

Department for Environment, Food and Rural Affairs

Department of Health

Home Office

Foreign and Commonwealth Office

Commissioners of Inland Revenue and Commissioners of Customs and Excise

Department for International Development

Northern Ireland Office

Department of Trade and Industry

Department for Transport

HM Treasury

Wales Office

Department for Work and Pensions

National Assembly for Wales

Department of Health, Social Services and Public Safety (Northern Ireland)

PART 2

Designated health service bodies

National Health Service Litigation Authority

In Wales, NHS Trusts

In Wales, Local Health Boards

In Northern Ireland, Health and Social Services Boards

In Northern Ireland, Health and Social Services Trusts

In Northern Ireland, Health and Personal Social Services Agencies and Special Agencies

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates bodies as government and health service bodies for the purposes of section 2(4)(c) and (7)(d) of the Damages Act 1996. A court may not make an order that damages for future pecuniary loss for personal injury are to take the form of periodical payments unless the continuity of payment is reasonably secure. One of the circumstances in which payment is reasonably secure is where the source of payment is a designated government or health service body. Later alterations in the method of payment are also permitted, without the need for further approval by the court, where the source of payment is a designated government or health service body.

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