



National Health Service (Indemnities) (Wales) Act 2020

2020 anaw 2

An Act of the National Assembly for Wales to amend the National Health Service (Wales) Act 2006 to make provision about indemnities in respect of expenses and liabilities arising in connection with the provision of health services.
[26 February 2020]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

1 Indemnities in connection with provision of health services

- (1) Section 30 of the [National Health Service \(Wales\) Act 2006 \(c.42\)](#) is amended as follows.
- (2) In subsection (1)—
 - (a) after “scheme” insert “(a “mutual indemnity scheme”);”;
 - (b) after “the bodies” (in both places it occurs) insert “or other persons”.
- (3) In subsection (2)—
 - (a) in the words before paragraph (a), after “The bodies” insert “and other persons”;
 - (b) in paragraph (b) omit “and”;
 - (c) after paragraph (c) insert—
 - “(f) a person who is providing, or who has provided, primary medical services in accordance with a contract or other arrangement under Part 4, and
 - (g) a body or other person (other than a body or other person specified under paragraphs (a) to (f)) who is providing or arranging the provision of, or who has provided or arranged the provision of, health services whose provision is the subject of a contract or other arrangements with a Local Health Board, NHS trust or Special Health Authority,”;

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- (d) in the words after paragraph (g)—
 - (i) for “scheme under this section” substitute “mutual indemnity scheme”;
 - (ii) after “bodies which” insert “, or other persons who,”.
- (4) In subsection (3)—
 - (a) in the words before paragraph (a), for “scheme under this section” substitute “mutual indemnity scheme”;
 - (b) in paragraph (b) after “body which” insert “, or other person who,”.
- (5) In subsection (4), for “body” substitute “Local Health Board, NHS trust or Special Health Authority”.
- (6) In subsection (5), for “scheme”, the first time it occurs, substitute “mutual indemnity scheme”.
- (7) In subsection (7), for “scheme under this section” substitute “mutual indemnity scheme”.
- (8) After subsection (7) insert—
 - “(8) The Welsh Ministers may by regulations establish a scheme (a “direct indemnity scheme”) under which they may indemnify any of the bodies or other persons specified in subsection (2) against—
 - (a) expenses arising from any loss of or damage to their property, and
 - (b) liabilities to third parties for loss, damage or injury arising out of the carrying out of the functions of the bodies or other persons concerned.
- (9) A direct indemnity scheme may, in particular—
 - (a) specify the persons or other bodies eligible to be indemnified (including limiting the class or description of bodies or other persons who are eligible);
 - (b) specify the expenses and liabilities in respect of which a body or other person may be indemnified and the extent to which they may be indemnified;
 - (c) require any body or other person indemnified under the scheme to make payments in accordance with the scheme.
- (10) Nothing in this section limits or affects the powers of the Welsh Ministers under this Act, or any other enactment, to provide an indemnity—
 - (a) to any person other than the bodies or other persons specified in subsection (2), or
 - (b) to a body or other person specified in subsection (2) in respect of any expenses or liabilities other than those mentioned in subsections (1) and (8).
- (11) In this section—
 - (a) in subsections (1)(b) and (8)(b) “functions”, in relation to a body or other person specified in subsection (2)(g), means the body or person’s functions of providing, or arranging the provision of, health services whose provision is the subject of a contract or other arrangements with a Local Health Board, NHS trust or Special Health Authority;

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- (b) in subsection (2) and in paragraph (a) of this subsection “health services” means services provided as part of the health service.”

2 Short title and coming into force

- (1) The short title of this Act is the National Health Service (Indemnities) (Wales) Act 2020.
- (2) This Act comes into force on the day after the day on which this Act receives Royal Assent.