

NATIONAL HEALTH SERVICE ACT 1977

THE NATIONAL HEALTH SERVICE LITIGATION AUTHORITY AND NATIONAL HEALTH SERVICE TRUSTS (SUPPLY OF SERVICES AND FACILITIES TO THE FHSAA) DIRECTIONS 2005

The Secretary of State for Health, in exercise of the powers conferred on him by sections 27(3) and 49S(8)(a) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby gives the following Directions:

Citation, commencement and application

1.—(1) These Directions, which may be cited as the National Health Service Litigation Authority and National Health Service Trusts (Supply of Services and Facilities to the FHSAA) Directions 2005, shall come into force on 1st April 2005.

(2) These Directions apply in relation to England only.

Interpretation

2. In these Directions—

“the 1977 Act” means the National Health Service Act 1977;

“the Authority” means the National Health Service Litigation Authority established by Article 2 of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995(b);

“the FHSAA” means the Family Health Services Appeal Authority constituted under section 49S of the 1977 Act;

“hearing” means the hearing by a panel of the FHSAA of an appeal or an application in accordance with any rules made under Schedule 9A to the 1977 Act(c); and

“relevant date” means the 1st April 2005.

The Authority

3.—(1) The Authority shall, subject to paragraph (2), make available to the FHSAA the services of such persons employed by them as are required by the FHSAA.

(2) Before making the service of any person available to the FHSAA in accordance with paragraph (1) above the Authority shall first consult that person, or a body recognised by them as representing the person, about the matter.

(a) 1977 c.49. Section 27(3) was amended by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 15(b), the Health Act 1999 (c.8), Schedule 4 paragraph 12(3), the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”), Schedule 1 paragraph 13(b) and Schedule 5, paragraph 11(b); section 49S was inserted into the 1977 Act by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), section 27(1), and amended by the 2002 Act, Schedule 1, paragraph 18.

(b) S.I. 1995/2800, as amended by S.I. 2002/2621 and S.I. 2005/503.

(c) Schedule 9A was inserted into the 1977 Act by the 2001 Act, section 27(4), and amended by the Health and Social Care (Community Health and Standards) Act 2003, Schedule 11, paragraph 42, and SI 2004/288.

NHS Trusts

4.—(1) All NHS Trusts shall, when requested to do so by the FHSAA for the purpose of any hearing—

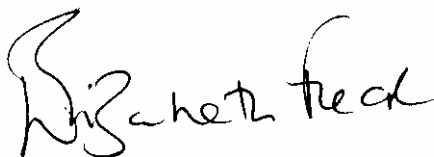
- (a) make available to the FHSAA any facilities of theirs, including the use of any premises and the use of any equipment or apparatus; and
- (b) subject to paragraph (2), make available to the FHSAA the services of such persons employed by them as necessary in connection with the provision of any facilities under sub-paragraph (a).

(2) Before making the service of any person available to the FHSAA in accordance with paragraph (1)(b), an NHS Trust shall first consult that person, or a body recognised by that Trust as representing the person, about the matter.

Revocation

5. The Supply of Services and Facilities to the FHSAA Directions 2001, dated 3rd October 2001, are revoked.

Signed by authority of the Secretary of State

A handwritten signature in black ink, appearing to read "Elizabeth Teale". The signature is written in a cursive, flowing style.

A Member of the Senior Civil Service
Department of Health

31st March 2005