

2011 No. (W.35)

**NATIONAL HEALTH
SERVICE, WALES**

**Directions to Local Health Boards
Concerning Participation in and
Conduct of Proceedings 2011**

Made 6 September 2011

Coming into force 6 September 2011

The Welsh Ministers make the following Directions in exercise of the powers conferred by sections 12(3), 203(9) and 204(3)(c) of the National Health Service (Wales) Act 2006(1):

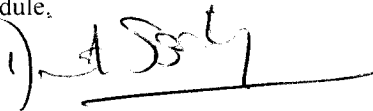
Commencement, application and interpretation

1.—(1) These Directions apply to Local Health Boards.

(2) These Directions come into force on 6 September 2011.

Participation in and conduct of proceedings

2. Each Local Health Board must authorise the Welsh Ministers to name it as a claimant in any civil proceedings set out in paragraph 1 of the Schedule and to have conduct of such proceedings on its behalf in accordance with the provisions of paragraphs 2 to 5 of that Schedule.



Signed by David Sissling, Director General, Chief Executive, NHS Wales under the authority of Minister for Health and Social Services, one of the Welsh Ministers

6 September 2011

1. The Welsh Ministers are considering the bringing of civil proceedings against persons for anti-competitive activities in relation to the drug "aviscon".

2. In order to avoid disputes as to the appropriate claimant, it is appropriate for each Local Health Board to be named as a Claimant in any such proceedings together with the Welsh Ministers.

3. In order to make any proceedings practicable and manageable, it is necessary for one person to have conduct of such proceedings. It is considered appropriate that that person should be the Welsh Ministers.

4. The Welsh Ministers will indemnify each Local Health Board and hold it not liable in respect of any costs or damage caused by or arising from the conduct of the proceedings.

5. For the purposes of this Schedule, "conduct of proceedings" includes (but is not limited to):

- (a) the appointment of, and the giving of instructions to, solicitors and counsel and such other persons as the Welsh Ministers consider appropriate on behalf of each Local Health Board;
- (b) the making of any statement of truth required by parties under the Civil Procedure Rules and Practice Directions(1)
- (c) the compromise or settlement of any proceedings on such terms as the Welsh Ministers consider appropriate.

The civil procedure rules and practice directions make up a procedural code whose overriding aim is to enable the courts to deal with cases justly. They are updated in April and October each year and may be accessed through the following web link
http://www.justice.gov.uk/civil/procrules_fin/menus/rules.htm

(1) 2006 c.42. There are no relevant amendments.