
STATUTORY INSTRUMENTS

2011 No. 211 (W.42) (C.11)

NATIONAL HEALTH SERVICE, WALES

**The NHS Redress (Wales) Measure
2008 (Commencement) Order 2011**

Made - - - - 2 February 2011

The Welsh Ministers, in exercise of the powers conferred upon them by section 14(3) of the NHS Redress (Wales) Measure 2008⁽¹⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the NHS Redress (Wales) Measure 2008 (Commencement) Order 2011.

(2) In this Order “the Measure” means the NHS Redress (Wales) Measure 2008.

Appointed Day

2. The provisions of the Measure set out in the Schedule to this Order come into force on 7 February 2011.

2 February 2011

Edwina Hart
Minister for Health and Social Services, one of
the Welsh Ministers.

SCHEDULE

Article 2

Provisions of the NHS Redress (Wales) Measure 2008 Coming Into Force on 7 February 2011

<i>Provision</i>	<i>Subject Matter</i>
Section 1	Power of Welsh Ministers to make regulations in respect of NHS Redress
Section 2	Redress under the regulations
Section 3	Accessing redress
Section 4	Duty to consider the potential application of redress arrangements
Section 5	Method of delivering redress
Section 6	Suspension of limitation period
Section 7	Legal advice, etc.
Section 8	Assistance for individuals seeking redress
Section 9	Functions with regard to redress arrangements
Section 10	Complaints
Section 11	Orders and regulations
Section 12	Power to make further supplementary and consequential provision etc.
Section 13	Interpretation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made by the Welsh Ministers, commences sections 1 to 13 inclusive of the NHS Redress (Wales) Measure 2008 (“the Measure”) with effect from 7 February 2011.

Section 14 of the Measure was commenced on Royal Assent.

On the making of this Order, all sections of the Measure will be in force.

The effect of the provisions of the Measure brought into force on 7 February 2011 is as follows:

Section 1 establishes the power of Welsh Ministers to make regulations for the purpose of enabling redress to be provided without recourse to civil proceedings in circumstances in which section 1 applies. Welsh Ministers may make regulations where there is a qualifying liability in tort, as defined in subsection (4), on the part of a person or body mentioned in subsection (3) arising in connection with the provision of qualifying services, in Wales or elsewhere, as part of the health service in Wales.

Section 2 provides that, subject to subsections (2), (3) and (6), Welsh Ministers may make such provision as they think fit about redress.

Section 3 provides that Welsh Ministers may, in regulations, make such provision as they think fit about accessing redress.

Section 4 provides that the regulations may make such provision as Welsh Ministers think fit requiring any person or body mentioned in subsection (2) to consider the potential application of the redress arrangements and to take such steps as the regulations may provide.

Section 5 provides that, subject to subsections (3) to (6), the regulations may make such provision as the Welsh Ministers think fit regarding how redress is delivered.

Section 6 provides that regulations made by Welsh Ministers must make provision for the period during which a liability is the subject of an application for redress under the regulations to be disregarded for the purposes of calculating whether any relevant limitation period has expired or not.

Section 7 provides that, subject to subsections (2) and (4), the regulations may make such provision as the Welsh Ministers think fit for the provision of legal advice without charge to individuals seeking redress under the regulations, and for the provision in connection with an application for redress under the regulations of other services, including the services of medical experts.

Section 8 places a duty on Welsh Ministers to arrange, to such extent as they consider necessary to meet reasonable requirements, for the provision of assistance to individuals seeking or intending to seek redress under the regulations. It also enables Welsh Ministers to make such other arrangements as they think fit for the provision of assistance to individuals in connection with cases which are the subject of an application for redress under the regulations.

Section 9 allows Welsh Ministers to set out in regulations the functions that any person or body in the health service in Wales will have regarding the operation of the redress arrangements.

Section 10 inserts a new subsection 113(2)(d) into the Health and Social Care (Community Health and Standards) Act 2003.

Section 11 deals with the making of orders and regulations under the Measure.

Section 12 deals with the power to make supplementary and consequential provisions including the power to amend or repeal any enactment passed before, or during the same Assembly year as, the Measure.

Section 13 deals with interpretation of the Measure.