



# Patient Rights (Scotland) Act 2011

## 2011 asp 5

### *General*

#### 23 Interpretation **S**

- (1) In this Act, unless the contrary intention appears—
- “the 1978 Act” means the National Health Service (Scotland) Act 1978 (c. 29);
  - [<sup>F1</sup>“the 2021 Act” means the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021;]
  - “the Agency” has the meaning given by section 5(2)(c);
  - “the Charter” means the Charter of Patient Rights and Responsibilities published under section 1;
  - “health care” means services provided under the health service [<sup>F2</sup>or under the 2021 Act];
  - “health care principles” has the meaning given by section 6(1);
  - “the health service” means the health service established in pursuance of section 1 of the National Health Service (Scotland) Act 1947 (c. 27);
  - “health service function” means
    - (a) [<sup>F3</sup>any function under or by virtue of the 1978 Act which is a function concerned with, or connected to, the health service;]
    - (b) [<sup>F4</sup>the functions conferred by the 2021 Act;]
  - [<sup>F5</sup>“patient” includes (except in sections 8 to 13) a person in relation to whom a Health Board is exercising the functions conferred by the 2021 Act;]
  - “patient advice and support service” is to be construed in accordance with section 18(1);
  - “relevant NHS body” has the meaning given by section 5(2).
- (2) In this Act, unless the contrary intention appears, terms used in this Act and the 1978 Act have the same meaning as they have in the 1978 Act.

#### Textual Amendments

- F1** Words in s. 23(1) inserted (1.4.2022) by [Forensic Medical Services \(Victims of Sexual Offences\) \(Scotland\) Act 2021 \(asp 3\), s. 20\(2\), sch. para. 4\(4\)\(a\)](#) (with s. 3); S.S.I. 2022/24, reg. 2

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*Changes to legislation: There are currently no known outstanding effects for the Patient Rights (Scotland) Act 2011, Cross Heading: General. (See end of Document for details)*

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- F2** Words in s. 23(1) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 4(4)(b)** (with s. 3); S.S.I. 2022/24, reg. 2
- F3** Word in s. 23(1) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 4(4)(c)(i)** (with s. 3); S.S.I. 2022/24, reg. 2
- F4** Words in s. 23(1) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 4(4)(c)(ii)** (with s. 3); S.S.I. 2022/24, reg. 2
- F5** Words in s. 23(1) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 4(4)(d)** (with s. 3); S.S.I. 2022/24, reg. 2

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**Commencement Information**

- I1** S. 23 in force at 1.4.2012 by S.S.I. 2012/35, **art. 2(a)**

**24 Ancillary provision** **S**

- (1) The Scottish Ministers may by order make such consequential, supplemental, incidental transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in consequence of, or for the purposes of giving full effect to, any provision of this Act.
- (2) An order under this section may modify any enactment, instrument or document.

**25 Orders, regulations and directions** **S**

- (1) Any power conferred by this Act on the Scottish Ministers to make an order or regulations—
  - (a) must be exercised by statutory instrument,
  - (b) may be exercised so as to make different provision for different purposes (including different areas),
  - (c) except an order under section 26(3), includes power to make such consequential, supplemental, incidental, transitional, transitory or saving provision as appears to the Scottish Ministers to be necessary or expedient.
- (2) No—
  - (a) order is to be made under section 3(4), 6(2) or 9(4),
  - (b) regulations are to be made under section 9(1) or (3), or
  - (c) order is to be made under section 24 containing provisions which add to, omit or replace any part of the text of an Act,

unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by resolution of, the Parliament.
- (3) Any other statutory instrument containing an order or regulations under this Act (except an order under section 12(4) or 26(3)) is subject to annulment in pursuance of a resolution of the Parliament.
- (4) Any power to make directions under this Act includes power to vary or revoke such directions.
- (5) Any power to make directions under this Act may be exercised—
  - (a) generally or to meet the circumstances of a particular area or matter,
  - (b) either in relation to all cases to which the power extends, or in those cases subject to exceptions, or in relation to any specified cases or classes of case, and

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- (c) subject to such other exceptions or conditions as the Scottish Ministers think fit.

## **26 Short title and commencement** **S**

- (1) This Act may be cited as the Patient Rights (Scotland) Act 2011.
- (2) This section and sections 22, 24 and 25 come into force on Royal Assent.
- (3) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

**Changes to legislation:**

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