

PATIENT RIGHTS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Charter of Patient Rights and Responsibilities

7. Subsection (1) sets out that the Scottish Ministers must publish a Charter of Patient Rights and Responsibilities, within six months of this section of the Act coming into force.
8. Subsections (2) and (3) provide that the Charter must contain a summary of the rights and responsibilities of patients and relevant persons, and that it may also contain a summary of the duties of relevant NHS bodies, the behaviour expected from patients and relevant persons, as well as any other information which the Scottish Ministers consider to be relevant in relation to health care or the health service.
9. Subsection (4) provides that the Charter is not to give rise to any new rights or impose any new responsibilities on patients, and nor is it in any way to alter an existing right or responsibility.
10. Subsection (5) defines a “relevant person” as a person who has a personal interest in the health care of the patient, such as a family member or carer, or any other category of person who the Scottish Ministers consider to be appropriate.
11. Subsection (6) sets out that it is for Ministers to decide on the form and manner of the Charter and subsection (7) provides that, before publishing the Charter, Ministers must consult appropriate people and lay a copy of the Charter before Parliament.
12. Subsection (8) places a duty on Ministers to notify relevant NHS bodies of the publication of the Charter, as soon as reasonably practicable after its publication. Subsections (9) and (10) place a duty on NHS bodies to make copies of the Charter available to patients, staff and members of the public, free of charge and in a format which is suitable for their particular needs.