



NHS Redress (Wales) Measure 2008

2008 nawm 1

2 Redress under the regulations

- (1) Subject to subsections (2), (3) and (6), the regulations may make such provision as the Welsh Ministers think fit about redress.
- (2) The regulations must provide for redress ordinarily to comprise—
 - (a) the making of an offer of compensation in satisfaction of any right to bring civil proceedings in respect of the liability concerned;
 - (b) the giving of an explanation;
 - (c) the making of a written apology; and
 - (d) the giving of a report on the action which has been, or will be, taken to prevent similar cases arising;but the regulations may specify circumstances in which one or more of those forms of redress is not required.
- (3) The regulations must provide that redress does not apply in relation to a liability that is or has been the subject of civil proceedings.
- (4) The regulations may, in particular—
 - (a) make provision for the compensation that may be offered to take the form of entry into a contract to provide care or treatment or of financial compensation, or both;
 - (b) make provision about the circumstances in which different forms of compensation may be offered.
- (5) If the regulations provide for financial compensation to be offered, they may, in particular—
 - (a) make provision about the matters in respect of which financial compensation may be offered;
 - (b) make provision with respect to the assessment of the amount of any financial compensation.
- (6) The regulations which provide for financial compensation to be offered—

Status: This is the original version (as it was originally enacted).

- (a) may specify an upper limit on the amount of financial compensation that may be included in an offer of redress made in accordance with the regulations;
- (b) must, if they do not specify a limit under paragraph (a), specify an upper limit on the amount of financial compensation that may be included in such an offer in respect of pain and suffering;
- (c) may not specify any other limit on what may be included in such an offer by way of financial compensation.