

*These notes refer to the NHS Redress Act 2006 (c.44)
which received Royal Assent on 8th November 2006*

NHS REDRESS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Commencement of proceedings under scheme

21. This section provides that a scheme may include such provision as the Secretary of State thinks fit about how proceedings under the scheme are to be started. It gives examples of the sort of provision that might be made about the starting of proceedings under the scheme (*subsection (2)*). It is, for example, envisaged that the scheme may provide that proceedings under the scheme cannot be commenced in respect of an injury where an offer under the redress scheme in respect of the same injury has previously been rejected.
22. The scheme may, for example, provide for a scheme member to be under a duty to start proceedings under the scheme, either on receipt of an application for redress, or as the result of a scheme member identifying a case to which the scheme applies (*subsection (2)(a), (b) and (e)* and also section 5). The scheme might also provide that each stage of the scheme is governed by time limits to ensure consistency and appropriate speed in the handling of cases (*subsection (2)(c)*).