



NHS Redress Act 2006

2006 CHAPTER 44

England

3 Redress under scheme

- (1) Subject to subsections (2) and (5), a scheme may make such provision as the Secretary of State thinks fit about redress under the scheme.
- (2) A scheme 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 giving of an apology, and
 - (d) the giving of a report on the action which has been, or will be, taken to prevent similar cases arising,but may specify circumstances in which one or more of those forms of redress is not required.
- (3) A scheme 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.
- (4) A scheme that provides for financial compensation to be offered 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.
- (5) A scheme that provides for financial compensation to be offered—
 - (a) may specify an upper limit on the amount of financial compensation that may be included in an offer under the scheme;

Status: This is the original version (as it was originally enacted).

- (b) if it does not specify a limit under paragraph (a), must 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.