

PATIENT RIGHTS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: Review and revision of Charter

13. Subsections (1) and (2) place a duty on Scottish Ministers to review the Charter at least once every 5 years, in order to ensure that it is accurate and up to date and that it effectively raises awareness of the rights and responsibilities of patients and relevant persons. Subsection (6) provides that the Scottish Ministers must revise the Charter where, following such a review, they consider the Charter does not accurately summarise the rights and responsibilities of patients or relevant persons, or is not sufficiently effective in raising awareness of those rights and responsibilities. Subsection (7) sets out that Ministers may also revise the Charter at any other time, if they consider it appropriate to do so.
14. Subsection (3) provides that, when reviewing the Charter under subsection (1), Ministers must also review how effective the arrangements for the publication and distribution have been in raising awareness of the Charter, and if they consider it appropriate, take such steps as they consider necessary to improve those arrangements.
15. Subsection (4) provides that in carrying out a review under subsections (1) and (3), the Scottish Ministers must consult appropriate persons and subsection (9) sets out that, before publishing the updated Charter, the Scottish Ministers must consult appropriate people and lay a copy of the revised Charter before Parliament.
16. Subsection (8) places a duty on Ministers to notify relevant NHS bodies of the publication of the revised Charter and subsection (10) clarifies that a reference to ‘the Charter’ in this Act is a reference to the Charter, as revised.