

NHS REDRESS (WALES) MEASURE 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 5 - Method of delivering redress

10. This section sets out in more detail the type of provision Welsh Ministers may make in regulations for how the arrangements will operate. *Subsection (1)* provides that Welsh Ministers may make whatever arrangements in regulations they think fit about how redress is to be delivered, subject to the provisions of *subsections (3), (5) and (6)*. Those subsections state that the regulations must provide:
 - For time limits in respect of the investigation and conclusion of cases being dealt with under the NHS Redress arrangements; for the findings of any investigation to be recorded in a report and for a copy of that report to be available to the person seeking redress (*subsection (3)*);
 - For any settlement under the arrangements to include a waiver of the right to bring civil proceedings in respect of the same issues (*subsection (5)*); and
 - That if legal proceedings are started in respect of the same issues, then the redress arrangements can no longer apply. In such cases, any investigation already started would have to be discontinued (*subsection (6)*).
11. *Subsection (2)* states that the regulations may provide for details around investigations and settlements. *Subsection (4)* provides that the regulations may specify that a copy of an investigation report need not be provided in certain circumstances.