



# NHS Redress (Wales) Measure 2008

## 2008 nawm 1

### 5 Method of delivering redress

- (1) Subject to subsections (3) to (6), the regulations may make such provision as the Welsh Ministers think fit regarding how redress is delivered.
- (2) The regulations may, in particular, make provision—
  - (a) regarding the investigation of applications for redress made under the regulations (including provision for the overseeing of the investigation by an individual of a specified description);
  - (b) regarding the form and content of settlement agreements under the regulations;
  - (c) for settlement agreements under the regulations to be subject in cases of a specified description to approval by a court;
  - (d) regarding the procedure to be followed when, and the circumstances in which, applications for redress under the regulations may no longer be pursued.
- (3) The regulations must—
  - (a) make provision for time limits and any extensions of them in relation to—
    - (i) the conduct and completion of an investigation;
    - (ii) the making of an offer of redress; and
    - (iii) the acceptance of such an offer,under the regulations,
  - (b) make provision for the findings of an investigation of a case where an individual is seeking redress under the regulations to be recorded in a report, and
  - (c) subject to subsection (4), make provision for a copy of the report to be provided to the individual seeking redress.
- (4) The regulations may provide that no copy of an investigation report need be provided—
  - (a) before an offer of redress under the regulations is made or proceedings are for any reason terminated;

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*Status: This is the original version (as it was originally enacted).*

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- (b) where the report contains information likely to cause the patient or other applicant significant harm or distress; or
  - (c) in such other circumstances as may be specified.
- (5) The regulations must provide for a settlement agreement for redress entered into under the regulations to include a waiver of any right to bring civil proceedings in respect of the liability to which the settlement relates.
- (6) The regulations must provide that redress may no longer be sought under the regulations if the liability in relation to which redress is being sought becomes the subject of civil proceedings.