



Hospital Complaints Procedure Act 1985

1985 CHAPTER 42

1 Hospital complaints procedure. **E+W+S**

- (1) It shall be the duty of the Secretary of State to give to each [^{F1}^{F2}Strategic Health Authority and Health Authority, to each] Special Health Authority] in England and Wales and to each Health Board in Scotland such directions ^{F3} . . . as appear to him necessary for the purpose of securing that, as respects each hospital ^{F3} . . . which that [^{F4}Strategic Health Authority,][^{F1}Health Authority, Special Health Authority or Board][^{F5}manage]—
- (a) such arrangements are made for dealing with complaints made by or on behalf of persons who are or have been patients at that hospital; and
 - (b) such steps are taken for publicising the arrangements so made,
- as (in each case) are specified or described in the directions.
- [^{F6}(1A) It shall also be the duty of the Secretary of State to give to each NHS trust which [^{F7}manages] a hospital such directions as appear necessary for the purpose of securing that, as respects each hospital ^{F8} . . . which that NHS trust [^{F9}manages]—
- (a) such arrangements are made for dealing with complaints made by or on behalf of persons who are or have been patients at that hospital; and
 - (b) such steps are taken for publicising the arrangements so made,
- as (in each case) are specified or described in the directions.]
- [^{F10}(1B) It shall also be the duty of the Secretary of State to give to each Primary Care Trust [^{F11}and Local Health Board]which manages a hospital such directions as appear necessary for the purpose of securing that, as respects each hospital which that Primary Care Trust [^{F11}or Local Health Board] manages—
- (a) such arrangements are made for dealing with complaints made by or on behalf of persons who are or have been patients at that hospital; and
 - (b) such steps are taken for publicising the arrangements so made,
- as (in each case) are specified or described in the directions.
- (1C) In this section, “directions” means—
- (a) in relation to England and Wales, directions under section 17 of the ^{M1}National Health Service Act 1977,

Status: Point in time view as at 10/10/2002. This version of this provision has been superseded.

Changes to legislation: Hospital Complaints Procedure Act 1985, Section 1 is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in relation to Scotland, directions under section 2(5) of the ^{M2}National Health Service (Scotland) Act 1978.]
- (2) No right of appeal, reference or review conferred under this section shall preclude an investigation [F12 under the Health Service Commissioners Act 1993] in respect of any matter.
- (3) In this section—
- (a) in its application to England and Wales, expressions which are also used in the said Act of 1977 have the same meanings as in that Act;
- (b) in its application to Scotland, expressions which are also used in the said Act of 1978 have the same meanings as in that Act.

Textual Amendments

- F1** Words in s. 1(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 Pt. III para. 109(2)(a)** (with Sch. 2 paras. 6, 16)
- F2** Words in s. 1(1) substituted (1.10.2002 for E.W.) by 2002 c. 17, s. 1(3), **Sch. 1 Pt. 2 para. 37(a)**; S.I. 2002/2478, **art. 3(1)(a)(c)**
- F3** Words in s. 1(1) repealed by 1999 c. 8, s. 65, Sch. 4 para. 71(a), **Sch. 5** (the repeal being brought into force: for Scotland on 1.10.1999 by S.S.I. 1999/90, art. 2, **Sch. 2**; for England to the extent that the words are omitted by virtue of Sch. 4 para. 71(a) of the amending Act on 1.10.1999 by S.I. 1999/2540, and, to the extent that the words are repealed by **Sch. 5** of the amending Act, on 1.4.2000 by S.I. 2000/1041, art. 2; and for Wales on 1.4.2000 by S.I. 2000/1026, art. 2(1), **Sch.**
- F4** Words in s. 1(1) inserted (1.10.2002 for E.W.) by 2002 c. 17, s. 1(3), **Sch. 1 Pt. 2 para. 37(b)**; S.I. 2002/2478, **art. 3(1)(a)(c)**
- F5** Word in s. 1(1) substituted (E.)(S.) (1.10.1999) and (W.) (1.4.2000) by 1999 c. 8, s. 65(1), **Sch. 4 para. 71(a)**; S.S.I. 1999/90, art. 2(b); S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1026, art. 2, **Sch.**
- F6** S. 1(1A) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 Pt. III para. 109(2)(b)** (with Sch. 2 paras. 6, 16)
- F7** Word in s. 1(1A) substituted (E.)(S.) (1.10.1999) and (W.) (1.4.2000) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 71(b)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1026, art. 2, **Sch.**
- F8** Words in s. 1(1A) repealed (E.)(S.) (1.10.1999) and (W.) (1.4.2000) by 1999 c. 8, s. 65, **Sch. 4 para. 71(b)**; S.S.I. 1999/90, art. 2, **Sch. 2**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1026, art. 2, **Sch.**
- F9** Word in s. 1(1A) substituted (E.)(S.) (1.10.1999) and (W.) (1.4.2000) by 1999 c. 8, s. 65(1), **Sch. 4 para. 71(b)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1026, art. 2, **Sch.**
- F10** S. 1(1B)(1C) inserted (E.) (1.10.1999 for specified purposes and otherwise 4.1.2000), (S.) (1.10.1999) and otherwise (*prosp.*) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 71(c)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**;
- F11** Words in s. 1(1B) inserted (10.10.2002 for W. otherwise *prosp.*) by 2002 c. 17, ss. 6(2), 42(3), **Sch. 5 para. 26**; S.I. 2002/2532, art. 2, **Sch.**
- F12** Words in s. 1(2) substituted (5.2.1994) by 1993 c. 46, s. 20(1), **Sch. 2 para. 7**

Modifications etc. (not altering text)

- C1** S. 1: transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1(2), 2, **Sch. 1**

Marginal Citations

- M1** 1977 c.49.
M2 1978 c.29.

Status:

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