



# Patient Rights (Scotland) Act 2011

## 2011 asp 5

### *Health care principles*

#### **5 Duty to uphold the health care principles**

- (1) For the purposes of the rights conferred by section 3, each relevant NHS body must—
  - (a) in performing its health service functions, uphold the health care principles in so far as they are relevant to the function being performed, and
  - (b) ensure that any person with whom it enters into a contract, agreement or arrangements to provide health care upholds the health care principles in so far as they are relevant to the service being provided.
- (2) For the purposes of this Act, a “relevant NHS body” is—
  - (a) a Health Board,
  - (b) a Special Health Board,
  - (c) the Common Services Agency for the Scottish Health Service (“the Agency”).

#### **6 Health care principles**

- (1) In this Act, “health care principles” are the principles set out in the schedule.
- (2) The Scottish Ministers, after consulting such persons as they consider appropriate, may by order modify the schedule.

#### **7 Health care principles: guidance and directions**

- (1) A relevant NHS body must, for the purposes of section 5, have regard to any guidance issued by the Scottish Ministers in relation to the practical application of the health care principles.
- (2) Before providing guidance in relation to the health care principles, the Scottish Ministers must consult such persons as they consider appropriate.
- (3) The Scottish Ministers may give a relevant NHS body directions as to the practical application of the health care principles; and a relevant NHS body must comply with any such direction.