
WELSH STATUTORY INSTRUMENTS

2011 No. 704

The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011

PART 7

REQUIREMENT FOR NHS BODIES, OTHER THAN WELSH NHS BODIES, TO CONSIDER REDRESS AND PROCEDURE TO BE FOLLOWED BY A WELSH NHS BODY WHEN IT RECEIVES NOTIFICATION OF A CONCERN IN ACCORDANCE WITH THE PROVISIONS OF THIS PART

PROSPECTIVE

Suspension of the limitation period

45.—(1) During the period in which a liability is the subject of an application for redress under this Part, any limitation period for the bringing of civil proceedings in respect of that liability which is prescribed by or under the Limitation Act 1980⁽¹⁾ or any other enactment is suspended and time will not run for the purposes of calculating any time limits prescribed by these enactments.

(2) For the purposes of this Part, a liability is to be considered as being the subject of an application for redress—

- (a) beginning with the date on which the initial concern which became an application for redress was received by an English NHS body, a Scottish NHS body or a Northern Irish NHS body;
- (b) subject to paragraphs (3), (4) and (5), up to and including the time when an offer of financial compensation made in accordance with regulation 48 is accepted by a patient or his or her representative by signing a formal agreement and legal waiver in accordance with regulation 48(e) or until such time as an offer of such compensation is rejected by a patient or his or her representative.

(3) A liability will no longer be considered a subject of an application for redress nine calendar months from the date upon which the Welsh NHS body makes an offer of financial compensation in respect of that liability.

(4) In cases where court approval of a settlement proposed by an offer is required, such as in circumstances outlined in regulation 48(f), limitation, if limitation is an issue, is suspended until a settlement is reached which receives the approval of the court.

(5) In cases where a Welsh NHS body indicates, in accordance with regulation 48, that it has decided that there is no qualifying liability and has decided not to make an offer of redress, a liability will not be considered to be the subject of an application for redress nine calendar months from the date on which the Welsh NHS body communicated its decision in accordance with regulation 48.

Status: *This version of this provision is prospective.*

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Commencement Information

II Reg. 45 in force at 1.10.2011, see [reg. 1\(2\)](#)

Status:

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Changes and effects yet to be applied to :

- reg. 45 coming into force by [S.I. 2011/704](#) reg. 1(2)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(1) reg. 3 renumbered as reg. 3(1) by [S.I. 2023/281](#) reg. 2(3)(a)
- reg. 3(2)(3) inserted by [S.I. 2023/281](#) reg. 2(3)(b)
- reg. 14(1)(k) and word inserted by [S.I. 2023/281](#) reg. 2(5)(e)
- reg. 22(7) inserted by [S.I. 2023/274](#) reg. 14(5)(c)
- reg. 34(1)(ca)-(cc) inserted by [S.I. 2013/235](#) Sch. 2 para. 162(1)(b)
- reg. 34(1)(ca)-(cc) inserted by [S.I. 2013/235](#) Sch. 2 para. 162(2)(b)
- reg. 34(1)(ca) substituted by [S.I. 2022/634](#) reg. 52(2)
- reg. 34(1)(ca) substituted by [S.I. 2022/634](#) reg. 53(2) (Amendment to Welsh text)