



# Patient Rights (Scotland) Act 2011

## 2011 asp 5

### *Patient rights*

#### **3 Patient rights**

- (1) It is the right of every patient that the health care received by the patient be as described in subsection (2).
  - (2) Health care is to—
    - (a) be patient focused: that is to say, anything done in relation to the patient must take into account the patient's needs,
    - (b) have regard to the importance of providing the optimum benefit to the patient's health and wellbeing,
    - (c) allow and encourage the patient to participate as fully as possible in decisions relating to the patient's health and wellbeing [<sup>F1</sup>(including, where the health care being provided includes a service provided under the 2021 Act, decisions mentioned in subsection (3A))],
    - (d) have regard to the importance of providing such information and support as is necessary to enable the patient to participate in accordance with paragraph (c) and in relation to any related processes, taking all reasonable steps to ensure that the patient is supplied with information and support in a form that is appropriate to the patient's needs.
  - (3) It is the right of every patient to give feedback or comments, or raise concerns or complaints about health care received.
- [<sup>F2</sup>(3A) The decisions referred to in subsection (2)(c) are—
- (a) a decision about whether to undergo a forensic medical examination (and whether any such examination should take place without the incident in connection with which the examination would be carried out having been reported to a constable),
  - (b) a decision about whether to make a request under section 8(1)(a) of the 2021 Act.]
- (4) The Scottish Ministers, after consulting such persons as they consider appropriate, may by order modify subsection (2).

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**Changes to legislation:** There are currently no known outstanding effects for the Patient Rights (Scotland) Act 2011, Cross Heading: Patient rights. (See end of Document for details)

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#### Textual Amendments

- F1** Words in s. 3(2)(c) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 4(2)(a)** (with s. 3); S.S.I. 2022/24, reg. 2
- F2** S. 3(3A) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 4(2)(b)** (with s. 3); S.S.I. 2022/24, reg. 2

#### Commencement Information

- I1** S. 3 in force at 1.4.2012 by S.S.I. 2012/35, **art. 2(a)**

## 4 Patient rights: further provision

- (1) In construing the right of a patient under section 3(1), the matters set out in subsection (2) below must be taken into account.
- (2) The matters are—
- (a) the rights of other patients under section 3(1),
  - (b) the desirability of action delivering health care being proportionate, and otherwise appropriate, to the circumstances of each case,
  - (c) those specified in section 20(1)(a) and (b).

#### Commencement Information

- I2** S. 4 in force at 1.4.2012 by S.S.I. 2012/35, **art. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Patient Rights (Scotland) Act 2011,  
Cross Heading: Patient rights.