

# Medical and Health (Complaints Procedure) Act

## Principal Act

Act. No. 1998-19

*Commencement*  
*Assent*

2.4.1998  
2.4.1998

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## ARRANGEMENT OF SECTIONS

### Section

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## **1998-19      Medical and Health (Complaints Procedure)**

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A COMPLAINTS PROCEDURE FOR PATIENTS OR USERS OF THE GIBRALTAR HEALTH AUTHORITY AND TO DRAW SUCH A PROCEDURE TO THE ATTENTION OF PATIENTS AND USERS.

### **Title.**

1. This Act may be cited as the Medical and Health (Complaints Procedure) Act.

### **Interpretation.**

2. In this Act and unless the context otherwise provides –

“facility” means any facility responsibility for the management of which lies with the Authority, including, but without prejudice to the generality of the foregoing, St. Bernard’s Hospital, the Health Centre, King George V Psychiatric Hospital and the Community Psychiatric Unit;

“Gibraltar Health Authority” shall be construed in accordance with the provisions of the Medical (Gibraltar Health Authority) Act and “the Authority” shall be construed accordingly;

“Minister” means the minister with responsibility for health; and

“patient” means a patient at, or a user of, any facility.

### **Complaints procedure.**

- 3.(1) The Minister shall give such directions to the Authority as may appear necessary to the Minister for the purpose of securing that, as respects each facility –

- (a) such arrangements are made for dealing with, and evaluating the merits of, complaints made by or on behalf of persons who are or have been patients;
- (b) such steps are taken for publicising the arrangements so made; and
- (c) such measures are taken in full or partial satisfaction of complaints,

as (in each case) are specified or described in the directions.

(2) Nothing in this section shall prejudice any other statutory provision or rule of law relating to rights of appeal, rights of reference or rights of review with respect to any matter which is the subject of a complaint under this Act.

**Directions generally.**

4. (1) Any directions given by the Minister in pursuance of section 3 above shall be given either by regulations or by instrument in writing.

(2) Directions given in respect of any function—

- (a) shall not, except in prescribed cases, preclude a body or person by whom the function is exercisable apart from the directions from exercising the function; and
- (b) may, in the case of directions given by instrument in writing, be varied or revoked by subsequent directions given in pursuance of section 3 above.

**Regulations.**

5.(1) The Minister may make regulations prescribing anything that needs to be prescribed, and making such further provision as appears to him necessary or expedient for the purposes of this Act.

(2) Regulations made under this section may provide that any of the provisions of this Act have effect subject to such additions, exceptions or adaptations as are specified in the regulations.