

Changes to legislation: Health Service Commissioners Act 1993, SCHEDULE 1 is up to date with all changes known to be in force on or before 10 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) View outstanding changes

SCHEDULES

SCHEDULE 1 **E+W+S**

Section 1(3).

THE [^{F1}ENGLISH ^{F2}...][^{F3}COMMISSIONER]

Textual Amendments

- F1** Sch. 1: words in heading inserted (1.7.1999) by 1998 c. 38, s. 112, **Sch. 10 para. 16(2)** (with ss. 139(2), 143(2)); S.I. 1999/1290, **art. 4**
- F2** Words in Sch. 1 heading omitted (14.7.2004) by virtue of The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **17(11)(a)**
- F3** Word in Sch. 1 heading substituted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **17(11)(a)**

[^{F4} Introductory]

Textual Amendments

- F4** Sch. 1 para A1 and crossheading inserted (1.7.1999) by 1998 c. 38, s. 112, **Sch. 10 para. 16(3)** (with ss. 139(2), 143(2)); S.I. 1999/1290, **art. 4**

^{F5}A1

Textual Amendments

- F5** Sch. 1 para. A1 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 53(2), **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

Appointment of [^{F6}Commissioner]

Textual Amendments

- F6** Word in Sch. 1 para. 1 cross-heading substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 53(3)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

[^{F7}1 Her Majesty may by Letters Patent appoint a person to be the Commissioner.

Textual Amendments

- F7** Sch. 1 paras. 1-1E substituted for Sch. 1 para. 1 (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031), reg. 1(1), **Sch. 8 para. 15(2)** (with regs. 44-46)

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1A Subject to paragraphs 1C and 1D a person appointed to be the Commissioner shall hold office until the end of the period for which he is appointed.

Textual Amendments

F7 Sch. 1 paras. 1-1E substituted for Sch. 1 para. 1 (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), [reg. 1\(1\)](#), [Sch. 8 para. 15\(2\)](#) (with [regs. 44-46](#))

1B That period must be not more than seven years.

Textual Amendments

F7 Sch. 1 paras. 1-1E substituted for Sch. 1 para. 1 (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), [reg. 1\(1\)](#), [Sch. 8 para. 15\(2\)](#) (with [regs. 44-46](#))

1C A person appointed to be the Commissioner may be relieved of office by Her Majesty at his own request.

Textual Amendments

F7 Sch. 1 paras. 1-1E substituted for Sch. 1 para. 1 (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), [reg. 1\(1\)](#), [Sch. 8 para. 15\(2\)](#) (with [regs. 44-46](#))

1D A person appointed to be the Commissioner may be removed from office by Her Majesty, on the ground of misbehaviour, in consequence of Addresses from both Houses of Parliament.

Textual Amendments

F7 Sch. 1 paras. 1-1E substituted for Sch. 1 para. 1 (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), [reg. 1\(1\)](#), [Sch. 8 para. 15\(2\)](#) (with [regs. 44-46](#))

1E A person appointed to be the Commissioner is not eligible for re-appointment.]

Textual Amendments

F7 Sch. 1 paras. 1-1E substituted for Sch. 1 para. 1 (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), [reg. 1\(1\)](#), [Sch. 8 para. 15\(2\)](#) (with [regs. 44-46](#))

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Appointment of acting ^{F8}Commissioner]

Textual Amendments

F8 Word in Sch. 1 para. 2 heading substituted (14.7.2004) by [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, **17(11)(d)**

2 (1) [^{F9}Where [^{F10}the office]] of Commissioner becomes vacant, Her Majesty may, pending the appointment of the new Commissioner, appoint a person under this paragraph to act as [^{F11}the] Commissioner at any time during the period of twelve months beginning with the date on which the vacancy arose.

[^{F12}(1A) A person appointed to act as the Commissioner (“an acting Commissioner”) may have held office as the Commissioner.

(1B) A person appointed as an acting Commissioner is eligible for appointment as the Commissioner unless he has already held office as the Commissioner.]

(2) A person appointed [^{F13}as acting Commissioner,] shall hold office during Her Majesty’s pleasure and, subject to that, shall hold office—

(a) until the appointment of the new Commissioner or the expiry of the period of twelve months beginning with the date on which the vacancy arose, whichever occurs first, and

(b) in other respects, in accordance with the terms and conditions of his appointment which shall be such as the Secretary of State may, with the approval of the Treasury, determine.

[^{F14}(3) A person appointed as an acting Commissioner shall, while he holds office, be treated for all purposes, except for the purposes of paragraphs 1, 4 to 10 and this paragraph, as the Commissioner.]

Textual Amendments

F9 Words in Sch. 1 para. 2(1) substituted (1.7.1999) by [1998 c. 38, s. 112, Sch. 10 para. 16\(4\)](#) (with ss. [139\(2\)](#), [143\(2\)](#)); [S.I. 1999/1290, art. 4](#)

F10 Words in Sch. 1 para. 2(1) substituted (14.7.2004) by [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, **17(11)(e)(i)**

F11 Word in Sch. 1 para. 2(1) substituted (14.7.2004) by [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, **17(11)(e)(ii)**

F12 Sch. 1 para. 2(1A)(1B) inserted (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), **Sch. 8 para. 15(3)(a)** (with regs. 44-46)

F13 Words in Sch. 1 para. 2(2) substituted (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), **Sch. 8 para. 15(3)(b)** (with regs. 44-46)

F14 Sch. 1 para. 2(3) substituted (with application in accordance with Sch. 8 para. 16 of the amending S.I.) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), **Sch. 8 para. 15(3)(c)** (with regs. 44-46)

Modifications etc. (not altering text)

C1 Sch. 1 para. 2: transfer of certain functions (1.4.1995) by [S.I. 1995/269, art. 3, Sch. para. 24](#)

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Ineligibility of certain persons for appointment

- 3 (1) A person who is a member of a relevant health service body shall not be appointed [^{F15}the Commissioner] or acting Commissioner; and a person so appointed shall not, during his appointment, become a member of such a body.
- (2) For this purpose a “relevant health service body” means—
- (a) ^{F16}... a body mentioned in [^{F17}section 2(1)]^{F18}...
- ^{F19}(b)

Textual Amendments

- F15** Words in Sch. 1 para. 3(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(5\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F16** Words in Sch. 1 para. 3(2) omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, [17\(11\)\(f\)\(i\)](#)
- F17** Words in Sch. 1 para. 3(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(5\)\(b\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F18** Word in Sch. 1 para. 3(2) omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, [17\(11\)\(f\)\(ii\)](#)
- F19** Sch. 1 para. 3(2)(b) omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, [17\(11\)\(f\)\(iii\)](#)

- [^{F20}3A(1) A person who is a relevant family health service provider shall not be appointed [^{F21}the Commissioner] or acting Commissioner; and a person so appointed shall not, during his appointment, become a relevant family health service provider.
- (2) For this purpose a “relevant family health service provider” means—
- (a) ^{F22}... a person mentioned in [^{F23}section 2A(1)]^{F24}...
- ^{F25}(b)

Textual Amendments

- F20** Sch. 1 para. 3A inserted (1.4.1996) by [1996 c. 5, s. 3, Sch. 1 para. 7](#); S.I. 1996/970, [art. 2\(1\)](#)
- F21** Words in Sch. 1 para. 3A(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(6\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F22** Words in Sch. 1 para. 3A(2) omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, [17\(11\)\(g\)\(i\)](#)
- F23** Words in Sch. 1 para. 3A(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(6\)\(b\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F24** Word in Sch. 1 para. 3A(2) omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, [17\(11\)\(g\)\(ii\)](#)
- F25** Sch. 1 para. 3A(2)(b) omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, [17\(11\)\(g\)\(iii\)](#)

Salaries

- 4 [^{F26}(a)] There shall be paid to the holder of the office of [^{F27}the Commissioner] the same salary as if he were employed in the civil service of the State in such appointment as the House of Commons may by resolution from time to time

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determine; and any such resolution may take effect from the date on which it is passed or from such other date as may be specified in it.

^{F28}(b)

Textual Amendments

- F26** Sch. 1 para. 4: “(a)” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 112(4)(c)(i)**; S.I. 1998/3178, **art. 3**
- F27** Words in Sch. 1 para. 4 substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 53(7)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F28** Sch. 1 para. 4(b) omitted (14.7.2004) by virtue of The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **17(11)(h)**

5 The salary payable to a holder of the office of [^{F29}the Commissioner] shall be abated by the amount of any pension payable to him in respect of any public office in the United Kingdom or elsewhere to which he has previously been appointed or elected.

Textual Amendments

- F29** Words in Sch. 1 para. 5 substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 53(7)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

6 (1) Where a person holds—
(a) the office of Parliamentary Commissioner, and
(b) [^{F30}the office] of Health Service Commissioner,
he shall, so long as he does so, be entitled only to the salary pertaining to the office of Parliamentary Commissioner.

^{F31}(2)

Textual Amendments

- F30** Words in Sch. 1 para. 6(1)(b) substituted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **17(11)(i)(i)**
- F31** Sch. 1 para. 6(2) omitted (14.7.2004) by virtue of The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **17(11)(i)(ii)**

Modifications etc. (not altering text)

- C2** Sch. 1 para. 6 extended (1.7.1999) by S.I. 1999/1351, **art. 17(5)(a)**; S.I. 1998/3178, **art. 3**

Pensions and other benefits

7 Schedule 1 to the ^{M1}Parliamentary Commissioner Act 1967 (which relates to pensions and other benefits) has effect with respect to persons who hold or have held office as [^{F32}the Commissioner] as it has effect with respect to persons who hold or have held office as the Parliamentary Commissioner.

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Textual Amendments

F32 Words in Sch. 1 para. 7 substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(7\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

Marginal Citations

M1 1967 c. 13.

- 8 In computing the salary of a former holder of the office of Commissioner for the purposes of Schedule 1 to the 1967 Act, there shall be disregarded—
- (a) any abatement of that salary under paragraph 5,
 - (b) any temporary abatement of that salary in the national interest, and
 - (c) any voluntary surrender of that salary in whole or in part.
- 9 (1) In this paragraph, “relevant office” means the office of Parliamentary Commissioner or [^{F33}the office] of Health Service Commissioner.
- (2) The Treasury may by regulations provide that Schedule 1 to the Parliamentary Commissioner Act 1967 shall have effect, in relation to persons who have held more than one relevant office, with such modifications as it considers necessary in consequence of those persons having held more than one such office; and different regulations may be made in pursuance of paragraph 4 of Schedule 1 to the 1967 Act in relation to different relevant offices.
- (3) A person shall not be entitled to make simultaneously different elections in pursuance of paragraph 1 or 2 of Schedule 1 to the 1967 Act in respect of different relevant offices.
- (4) Where a person has made or is treated as having made an election in pursuance of paragraph 1 or 2 of Schedule 1 to the 1967 Act in respect of any relevant office, he shall be deemed to have made the same election in respect of all such other offices to which he is, or is subsequently, appointed.
- (5) No account shall be taken for the purposes of Schedule 1 to the 1967 Act of a period of service in a relevant office if salary in respect of the office was not paid for that period.
- (6) Regulations under this paragraph may make such incidental or supplementary provision as the Treasury considers necessary.
- (7) Regulations under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F33 Words in Sch. 1 para. 9(1) substituted (14.7.2004) by [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\), arts. 1, 17\(11\)\(j\)](#)

Modifications etc. (not altering text)

C3 Sch. 1 para. 9: transfer of certain functions (1.4.1995) by S.I. 1995/269, art. 3, [Sch. para. 24](#)

- 10 In any case where a person makes an election under paragraph 2(1)(a) of Schedule 1 to the ^{M2}Parliamentary Commissioner Act 1967 (as substituted by Part II of

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Schedule 4 to the ^{M3}Judicial Pensions and Retirement Act 1993) so that Schedule 1 to the 1967 Act continues to have effect in relation to him as it did before the coming into force of Part II of Schedule 4 to the 1993 Act, this Schedule shall have effect—

(a) as if in paragraph 7 the words “hold or” (in both places) and in paragraph 9(3) and (4) the words “or 2” (in both places) were omitted, and

(b) as if for the reference in paragraph 9(2) to paragraph 4 of Schedule 1 to the 1967 Act there were substituted a reference to paragraph 8 of that Schedule.

Marginal Citations

- M2** 1967 c. 13.
M3 1993 c. 8.

Staff and advisers

11 (1) [^{F34}The Commissioner] may appoint such officers as he may determine with the approval of the Treasury as to numbers and conditions of service.

[^{F35}(1A) The Health Service Commissioner for England may appoint and pay a mediator or other appropriate person to assist him in the conduct of an investigation under this Act.]

^{F36}(2)

Textual Amendments

- F34** Words in Sch. 1 para. 11(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(8\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F35** Sch. 1 para. 11(1A) inserted (1.8.2007) by [The Regulatory Reform \(Collaboration etc. between Ombudsmen\) Order 2007 \(S.I. 2007/1889\)](#), arts. 1(1), **14**
- F36** Sch. 1 para. 11(2) repealed (1.7.1999) by [1998 c. 38, ss. 112, 152, Sch. 10 para. 16\(7\), Sch. 18 Pt. I](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1999/1290, **art. 4**

12 Any functions of [^{F37}the Commissioner] under this Act may be performed by any officer of the Commissioner authorised by him for that purpose, or by any officer so authorised of ^{F38}... [^{F39}the Parliamentary Commissioner or the Public Services Ombudsman for Wales].

Textual Amendments

- F37** Words in Sch. 1 para. 12 substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(9\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F38** Words in Sch. 1 para. 12 omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, **17(11)(k)**
- F39** Words in Sch. 1 para. 12 substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 53\(9\)\(b\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

[^{F40}12A. For the purposes of conducting a joint investigation referred to in section 18ZA, any function of the Commissioner under this Act may be performed by [^{F41}—

(a)] any officer or member of staff of the Parliamentary Commissioner or

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- [^{F42}(b) any person discharging or assisting in the discharge of a function of a Local Commissioner,
 who is] authorised for the purpose by the Commissioner.]

Textual Amendments

- F40** Sch. 1 para. 12A inserted (1.8.2007) by [The Regulatory Reform \(Collaboration etc. between Ombudsmen\) Order 2007 \(S.I. 2007/1889\)](#), arts. 1(1), 7
- F41** Words in Sch. 1 para. 12A inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 12 para. 15\(4\)\(a\)](#); S.I. 2008/917, art. 2(1)(n) (with art. 6(5))
- F42** Words in Sch. 1 para. 12A substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 12 para. 15\(4\)\(b\)](#); S.I. 2008/917, art. 2(1)(n) (with art. 6(5))

- 13 (1) To assist him in any investigation [^{F43}the Commissioner] may obtain advice from any person who, in his opinion, is qualified to give it.
- (2) [^{F44}The Commissioner] may pay to any such person from whom he obtains advice under this paragraph such fees or allowances as he may determine with the approval of the Treasury.

Textual Amendments

- F43** Words in Sch. 1 para. 13(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 6 para. 53\(10\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F44** Words in Sch. 1 para. 13(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 6 para. 53\(10\)\(b\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

Financial provisions

- 14 The expenses of [^{F45}the Commissioner]^{F46} ... under this Act—
- (a) shall be paid out of money provided by Parliament, and
- (b) shall not exceed such amount as the Treasury may sanction.

Textual Amendments

- F45** Words in Sch. 1 para. 14 substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, [Sch. 6 para. 53\(11\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F46** Words in Sch. 1 para. 14 omitted (14.7.2004) by virtue of [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), arts. 1, [17\(11\)\(l\)](#)

- 15 Any salary, pension or other benefit payable by virtue of paragraph 2 and paragraphs 4 to 9 shall be charged on and issued out of the Consolidated Fund.

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

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

- s. 3(1F) inserted by [2006 c. 44 s. 15\(2\)](#)
- s. 7(2)(d) and word inserted by [2006 c. 44 s. 15\(4\)\(b\)](#)
- s. 14(2G)(2H) inserted by [2006 c. 44 s. 15\(7\)](#)
- s. 14(2G)(c) word inserted by [2012 c. 7 Sch. 5 para. 70\(6\)\(a\)](#)
- s. 14(2G)(e) and word omitted by [2012 c. 7 Sch. 5 para. 70\(6\)\(b\)](#)