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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Health Service Commissioners Act 1993 (c. 46). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 9

#### PART 2: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Health Service Commissioners Act 1993 (c. 46)*

- 11 (1) The Health Service Commissioners Act 1993 has effect subject to the following amendments.
- (2) In section 4(4)(a), after “can be made” insert “ under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003 or ”.
- (3) In section 11, after subsection (1B) insert—
- “(1C) Where a Commissioner proposes to conduct an investigation pursuant to a complaint under section 3(1E), he shall afford to the person or body whose maladministration is complained of an opportunity to comment on any allegations contained in the complaint.”
- (4) In section 12(1A), for “or (1C)” substitute “ (1C) or (1E) ”.
- (5) In section 14, after subsection (2D) insert—
- “(2E) In any case where the Health Service Commissioner for England conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—
- (a) to the person who made the complaint;
  - (b) to any member of the House of Commons who to the Commissioner’s knowledge assisted in the making of the complaint (or if he is no longer a member to such other member as the Commissioner thinks appropriate);
  - (c) to the person or body whose maladministration is complained of;
  - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
  - (e) to the Secretary of State.
- (2F) In any case where the Health Service Commissioner for England decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
  - (b) to any such member of the House of Commons as is mentioned in subsection (2E)(b).”
- (6) In section 14A, at the end insert—

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- “(4) In any case where the Health Service Commissioner for Wales conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—
- (a) to the person who made the complaint;
  - (b) to any Assembly member who to the Commissioner’s knowledge assisted in the making of the complaint (or if he is no longer an Assembly member to such other member as the Commissioner thinks appropriate);
  - (c) to the person or body whose maladministration is complained of;
  - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
  - (e) to the Assembly First Secretary.
- (5) In any case where the Health Service Commissioner for Wales decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
  - (b) to any such member of the Assembly as is mentioned in subsection (4)(b).”

(7) In section 14B—

    - (a) for “14A(1)”, in each place, substitute “ 14A ”, and
    - (b) in subsection (2), for “or (1C)” substitute “ (1C) or (1E) ”.

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**Commencement Information**

**II** Sch. 9 para. 11 in force at 1.6.2004 by [S.I. 2004/759](#), [art. 7](#)

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