

*Status: Point in time view as at 01/10/2010.*

*Changes to legislation: Health Act 2009, Part 2 is up to date with all changes known to be in force on or before 20 September 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)*

## SCHEDULES

### SCHEDULE 5

#### INVESTIGATION OF COMPLAINTS ABOUT PRIVATELY ARRANGED OR FUNDED ADULT SOCIAL CARE

#### PART 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Local Government Act 1974 (c. 7)*

4 Part 3 of the Local Government Act 1974 is amended as follows.

#### Commencement Information

**I1** Sch. 5 para. 4 in force at 1.10.2010 by S.I. 2010/1863, art. 2

5 (1) Section 23 (the Commission for Local Administration) is amended as follows.

(2) In subsection (1), after “this Part” insert “ and Part 3A ”.

(3) In subsection (11), after “functions” insert “ (other than those under Part 3A of this Act) ”.

#### Commencement Information

**I2** Sch. 5 para. 5 in force at 1.10.2010 by S.I. 2010/1863, art. 2

6 In section 23A(1) (annual reports for representatives etc.), after “functions” insert “ (other than those under Part 3A of this Act) ”.

#### Commencement Information

**I3** Sch. 5 para. 6 in force at 1.10.2010 by S.I. 2010/1863, art. 2

7 In section 26D(1)(a) (matters coming to attention of Local Commissioner), after “this Part” insert “ or Part 3A ”.

#### Commencement Information

**I4** Sch. 5 para. 7 in force at 1.10.2010 by S.I. 2010/1863, art. 2

8 (1) Section 29 (investigations under Part 3: further provisions) is amended as follows.

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(2) For subsection (5) substitute—

“(5) Nothing in subsection (1) or subsection (3) above affects the restriction imposed by section 26 of the Public Services Ombudsman (Wales) Act 2005.”

(3) In subsection (6A), after “under this” insert “ Part of this ”.

**Commencement Information**

**I5** Sch. 5 para. 8 in force at 1.10.2010 by S.I. 2010/1863, art. 2

9 In section 30(1) (reports on investigations under Part 3), after “matter” insert “ under this Part of this Act ”.

**Commencement Information**

**I6** Sch. 5 para. 9 in force at 1.10.2010 by S.I. 2010/1863, art. 2

10 In section 32(2) (law of defamation), after paragraph (a) insert—  
 “(aza) for the purposes of an investigation under Part 3A of this Act and of any statement, adverse findings notice or summary under section 34H, 34I or 34J in relation to such an investigation; or”.

**Commencement Information**

**I7** Sch. 5 para. 10 in force at 1.10.2010 by S.I. 2010/1863, art. 2

11 (1) Section 33ZA (collaborative working between Local Commissioners and Other Commissioners) is amended as follows.

(2) In subsection (1), after “under this” (in both places where it occurs) insert “ Part of this ”.

(3) In subsection (3)—

(a) after “his jurisdiction” insert “ by virtue of this Part ”,

(b) after “under this” insert “ Part of this ”.

(4) In subsection (4), after “under this” insert “ Part of this ”.

**Commencement Information**

**I8** Sch. 5 para. 11 in force at 1.10.2010 by S.I. 2010/1863, art. 2

12 In Schedule 4 (the Commission), in paragraph 1, after sub-paragraph (2) insert—

“(2A) A Local Commissioner shall not conduct a case which involves an adult social care provider if the Local Commissioner has a financial or other interest in the provider which is likely to affect prejudicially the exercise of his functions.

(2B) In sub-paragraph (2A) “adult social care provider” has the same meaning as in Part 3A of this Act.”

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**Commencement Information**

**I9** Sch. 5 para. 12 in force at 1.10.2010 by S.I. 2010/1863, art. 2

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

- 13 In section 18(1)(c) of the Health Service Commissioners Act 1993 (consultations during investigations), after “Part III” insert “ or 3A ”.

**Commencement Information**

**I10** Sch. 5 para. 13 in force at 1.10.2010 by S.I. 2010/1863, art. 2

*Freedom of Information Act 2000 (c. 36)*

- 14 In section 76 of the Freedom of Information Act 2000 (disclosure of information between Commissioner and ombudsmen), in the Table, in the second column, after “Part III” insert “ or Part 3A ”.

**Commencement Information**

**I11** Sch. 5 para. 14 in force at 1.10.2010 by S.I. 2010/1863, art. 2

*Scottish Public Services Ombudsman Act 2002 (2002 asp 11)*

- 15 In section 21(1)(d) of the Scottish Public Services Ombudsman Act 2002 (consultation and cooperation with other Commissioners and Ombudsmen), after “Part III” insert “ or 3A ”.

**Commencement Information**

**I12** Sch. 5 para. 15 in force at 1.10.2010 by S.I. 2010/1863, art. 2

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