



# Health Service Commissioners Act 1993

## 1993 CHAPTER 46

### *[<sup>F1</sup> Persons subject to investigation]*

#### **Textual Amendments**

**F1** Ss. 2A, 2B and crossheading inserted (1.4.1996) by 1996 c. 5, s. 1; S.I. 1996/970, art. 2(1)

#### **[<sup>F2A</sup> Health service providers subject to investigation.**

- (1) Persons are subject to investigation by the Health Service Commissioner for England [<sup>F3</sup>if they are [<sup>F4</sup>or were at the time of the action complained of]—
  - (a) individuals undertaking to provide in England general medical services or general dental services under Part II of the National Health Service Act 1977;
  - (b) persons (whether individuals or bodies) undertaking to provide in England general ophthalmic services or pharmaceutical services under Part II of that Act; or
  - (c) individuals performing in England personal medical services or personal dental services in accordance with arrangements made under section 28C of that Act (except as employees of, or otherwise on behalf of, a health service body or an independent provider)]
- (2) Persons are subject to investigation by the Health Service Commissioner for Wales [<sup>F5</sup>if they are [<sup>F6</sup>or were at the time of the action complained of]—
  - (a) individuals undertaking to provide in Wales general medical services or general dental services under Part II of the National Health Service Act 1977;
  - (b) persons (whether individuals or bodies) undertaking to provide in Wales general ophthalmic services or pharmaceutical services under Part II of that Act; or
  - (c) individuals performing in Wales personal medical services or personal dental services in accordance with arrangements made under section 28C of that Act (except as employees of, or otherwise on behalf of, a health service body or an independent provider)]

*Status: Point in time view as at 23/02/2001.*

*Changes to legislation: Health Service Commissioners Act 1993, Cross Heading: Persons subject to investigation is up to date with all changes known to be in force on or before 02 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)*

- (3) Persons are subject to investigation by the Health Service Commissioner for Scotland <sup>F7</sup>if they are—
- (a) individuals undertaking to provide in Scotland general medical services or general dental services under Part II of the <sup>M1</sup>National Health Service (Scotland) Act 1978;
  - (b) persons (whether individuals or bodies) undertaking to provide in Scotland general ophthalmic services or pharmaceutical services under Part II of that Act; or
  - (c) individuals performing in Scotland personal medical services or personal dental services in accordance with arrangements made under section 17C of that Act (except as employees of, or otherwise on behalf of, a health service body or an independent provider)]
- (4) In this Act—
- (a) references to a family health service provider are to any person mentioned in subsection (1), (2) or (3);
  - (b) references to family health services are to any of the services so mentioned.]

#### Textual Amendments

- F2** S. 2A and sidenote inserted (1.4.1996) by 1996 c. 5, s. 1; S.I. 1996/970, art. 2(1)
- F3** S. 2A(1)(a)(b)(c) and words in s. 2A(1) substituted for words in s. 2A(1) (1.4.1998 with effect as mentioned in art. 3(3) of S.I. 1998/631) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 68(2)**; S.I. 1998/631, art. 2(1)(b), **Sch. 2**
- F4** Words in s. 2A(1) inserted (23.2.2001) by 2000 c. 28, **ss. 1(1)(2)(a)**, 4(2) (with s. 3)
- F5** S. 2A(2)(a)(b)(c) and words in s. 2A(2) substituted for words in s. 2A(2) (1.4.1998 with effect as mentioned in art. 3(3) of S.I. 1998/631) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 68(3)**; S.I. 1998/631, art. 2(1)(b), **Sch. 2**
- F6** Words in s. 2A(2) inserted (23.2.2001) by 2000 c. 28, **ss. 1(1)(2)(b)**, 4(2) (with s. 3)
- F7** S. 2A(3)(a)(b)(c) and words in s. 2A(3) substituted for words in s. 2A(3) (1.4.1998 with effect as mentioned in art. 3(3) of S.I. 1998/631) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 68(4)**; S.I. 1998/631, art. 2(1)(b), **Sch. 2**

#### Marginal Citations

- M1** 1978 c. 29.

### <sup>F8</sup>2B Independent providers subject to investigation.

- (1) Persons are subject to investigation by the Health Service Commissioner for England if—
- (a) they are <sup>F9</sup>or were at the time of the action complained of] persons (whether individuals or bodies) providing services in England under arrangements with health service bodies or family health service providers, and
  - (b) they are not <sup>F10</sup>or were not at the time of the action complained of] themselves health service bodies or family health service providers.
- (2) Persons are subject to investigation by the Health Service Commissioner for Wales if—

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- (a) they are [<sup>F11</sup>or were at the time of the action complained of] persons (whether individuals or bodies) providing services in Wales under arrangements with health service bodies or family health service providers, and
- (b) they are not [<sup>F12</sup>or were not at the time of the action complained of] themselves health service bodies or family health service providers.

[ Arrangements with the Assembly are not arrangements with a health service body <sup>F13</sup>(2A) for the purposes of this Act unless they are made in the exercise of a function of the Assembly relating to the National Health Service.]

- (3) Persons are subject to investigation by the Health Service Commissioner for Scotland if—
  - (a) they are persons (whether individuals or bodies) providing services in Scotland under arrangements with health service bodies or family health service providers, and
  - (b) they are not themselves health service bodies or family health service providers.
- (4) The services provided under arrangements mentioned in subsection (1)(a), (2)(a) or (3)(a) may be services of any kind.
- (5) In this Act references to an independent provider are to any person providing services as mentioned in subsection (1), (2) or (3).]

#### Textual Amendments

- F8** S. 2B and sidenote inserted (1.4.1996) by 1996 c. 5, s. 1; S.I. 1996/970, art. 2(1)
- F9** Words in s. 2B(1)(a) inserted (23.2.2001) by 2000 c. 28, ss. 1(1)(3)(a), 4(2) (with s. 3)
- F10** Words in s. 2B(1)(b) inserted (23.2.2001) by 2000 c. 28, ss. 1(1)(3)(b), 4(2) (with s. 3)
- F11** Words in s. 2B(2)(a) inserted (23.2.2001) by 2000 c. 28, ss. 1(1)(3)(c), 4(2) (with s. 3)
- F12** Words in s. 2B(2)(b) inserted (23.2.2001) by 2000 c. 28, ss. 1(1)(3)(d), 4(2) (with s. 3)
- F13** S.2B(2A) inserted (1.4.1999) by 1998 c. 38, s. 112, Sch. 10 para. 4 (with ss. 139(2), 143(2)); S.I. 1999/782, art. 2

**Status:**

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**Changes to legislation:**

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