



Health Service Commissioners Act 1993

1993 CHAPTER 46

[^{F1} 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)

[^{F2}2A Health service providers subject to investigation.

(1) Persons are subject to investigation by [^{F3}the Commissioner][^{F4}if they are [^{F5}or were at the time of the action complained of]—

- (a) persons (whether individuals or bodies) providing services under a contract entered into by them with a Primary Care Trust under [^{F6}section 84 [^{F7}, 100 or 117] of the National Health Service Act 2006]
- (b) persons (whether individuals or bodies) undertaking to provide in England ^{F8}... pharmaceutical services under ^{F9}... that Act; [^{F10}or]
- (c) individuals performing in England [^{F11}primary] medical services or [^{F11}primary] dental services in accordance with arrangements made under [^{F12}section 92 or 107] of that Act (except as employees of, or otherwise on behalf of, a health service body or an independent provider)]

[^{F13}or

- (d) individuals providing in England local pharmaceutical services in accordance with arrangements made under a pilot scheme established under [^{F14}section 134 of the National Health Service Act 2006] (except as employees of, or otherwise on behalf of, a health service body or an independent provider).]

^{F15}(2)

^{F16}(3)

(4) In this Act—

- (a) references to a family health service provider are to any person mentioned in [^{F17}subsection (1)];

Status: Point in time view as at 19/01/2010.

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 17 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)

(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** Words in s. 2A(1) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 32(2) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F4** 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. 1 para. 68(2); S.I. 1998/631, art. 2(1)(b), Sch. 2
- F5** Words in s. 2A(1) inserted (23.2.2001) by 2000 c. 28, ss. 1(1)(2)(a), 4(2) (with s. 3)
- F6** Words in s. 2A(1)(a) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 1 para. 166(a) (with Sch. 3 Pt. 1)
- F7** Words in s. 2A(1)(a) substituted (1.8.2008) by Health Act 2006 (c. 28), s. 83(7), Sch. 8 para. 33(a); S.I. 2008/1972, art. 2(b)
- F8** Words in s. 2A(1)(b) repealed (1.8.2008) by Health Act 2006 (c. 28), s. 83(7), Sch. 8 para. 33(b), Sch. 9; S.I. 2008/1972, art. 2(b)
- F9** Words in s. 2A(1)(b) omitted (1.3.2007) by virtue of National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 1 para. 166(b) (with Sch. 3 Pt. 1)
- F10** Word in s. 2A(1)(b) repealed (E.) (12.12.2002) by S.I. 2002/2861, art. 26(a)
- F11** Word in s. 2A(1)(c) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), Sch. 11 para. 62(2)(b); S.I. 2004/288, art. 5(2)(w) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(aa) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, art. 5(2)(w) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(aa) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F12** Words in s. 2A(1)(c) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 1 para. 166(c) (with Sch. 3 Pt. 1)
- F13** S. 2A(1)(d) and the word preceding it inserted (E.) (12.12.2002) by S.I. 2002/2861, art. 26(b)
- F14** Words in s. 2A(1)(d) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 1 para. 166(d) (with Sch. 3 Pt. 1)
- F15** S. 2A(2) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 32(3), Sch. 7 (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F16** S. 2A(3) 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(4)(a)
- F17** Words in s. 2A(4) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 32(4) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

Modifications etc. (not altering text)

- C1** S. 2A savings for effects of 2003 c. 43, Sch. 11 para. 62-68 (E.S.) (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), arts. 1(1), 113 (with art. 1(3))
- C2** S. 2A applied (with modifications) (E.) (1.4.2006) by The National Health Service (Local Pharmaceutical Services etc.) Regulations 2006 (S.I. 2006/552), reg. 1(1), Sch. 1 para. 11
- C3** S. 2A(1)(a)(2)(a) modified (E.) (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), arts. 1(1), 109(2)(e)

2B Independent providers subject to investigation.

(1) Persons are subject to investigation by [F18;the Commissioner] if—

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- (a) they are [^{F19}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 [^{F20}or were not at the time of the action complained of] themselves health service bodies or family health service providers.

[^{F21}(1A) Persons are subject to investigation by the Commissioner if—

- (a) they are, or were at the time of the action complained of, providing direct payment services, and
- (b) they are not, or were not at the time of the action complained of, health service bodies.]

^{F22}(2)

^{F22}(2A)

^{F23}(3)

- (4) The services provided under arrangements mentioned in [^{F24}subsection (1)(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) [^{F25}or (1A)].

Textual Amendments

- F18** Words in s. 2B(1) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 33(2)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F19** Words in s. 2B(1)(a) inserted (23.2.2001) by 2000 c. 28, **ss. 1(1)(3)(a)**, 4(2) (with s. 3)
- F20** Words in s. 2B(1)(b) inserted (23.2.2001) by 2000 c. 28, **ss. 1(1)(3)(b)**, 4(2) (with s. 3)
- F21** **S. 2B(1A)** inserted (19.1.2010) by Health Act 2009 (c. 21), **ss. 12(2)**, 40(1); S.I. 2010/30, art. 2(b)
- F22** **S. 2B(2)(2A)** repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 33(3)**, **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F23** **S. 2B(3)** 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(5)(a)**
- F24** Words in s. 2B(4) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 33(4)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F25** Words in s. 2B(5) inserted (19.1.2010) by Health Act 2009 (c. 21), **ss. 12(3)**, 40(1); S.I. 2010/30, art. 2(b)

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