



# Health Service Commissioners Act 1993

## 1993 CHAPTER 46

### *Matters excluded from investigation*

#### 7 **Personnel, contracts etc.** **E+W+S**

- (1) [<sup>F1</sup>The Commissioner] shall not conduct an investigation in respect of action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service under [<sup>F2</sup>the National Health Service Act 2006 or the National Health Service (Wales) Act 2006]<sup>F3</sup>....
  - (2) [<sup>F4</sup>The Commissioner] shall not conduct an investigation in respect of action taken in matters relating to contractual or other commercial transactions, except for—
    - (a) matters relating to NHS contracts (as defined by [<sup>F5</sup>section 9 of the National Health Service Act 2006]<sup>F6</sup> ...), <sup>F7</sup>...
    - [<sup>F8</sup>(aa) matters arising from arrangements for the provision of direct payment services,]
    - (b) matters arising from arrangements between a health service body and [<sup>F9</sup>an independent provider for the provision of services by the provider][<sup>F10</sup>and
    - (c) matters arising from arrangements between a family health service provider and an independent provider for the provision of services by the independent provider.]
  - (3) In determining what matters arise from arrangements mentioned in subsection (2)(b) [<sup>F11</sup>the Commissioner] shall disregard any arrangements for the provision of services at an establishment maintained by a Minister of the Crown mainly for patients who are members of the armed forces of the Crown.
- [<sup>F12</sup>(3A) [<sup>F13</sup>The Commissioner] shall not conduct an investigation in pursuance of a complaint if—
- (a) the complaint is in respect of action taken in any matter relating to arrangements made by a health service body and a family health service provider for the provision of family health services,
  - (b) the action is taken by or on behalf of the body or by the provider, and
  - (c) the complaint is made by the provider or the body.]

*Changes to legislation: Health Service Commissioners Act 1993, Section 7 is up to date with all changes known to be in force on or before 04 July 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*

[<sup>F14</sup>(3B) Nothing in the preceding provisions of this section prevents [<sup>F15</sup>the Commissioner] conducting an investigation in respect of action taken by a health service body in operating a procedure established to examine complaints.]

(4) Her Majesty may by Order in Council amend this section so as to permit the investigation by [<sup>F16</sup>the Commissioner] of any of the matters mentioned in subsection (1) or (2).

(5) A statutory instrument containing an Order in Council made by virtue of subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Textual Amendments

- F1** Words in s. 7(1) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 38\(2\)\(a\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F2** Words in s. 7(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 1 para. 168\(a\)](#) (with Sch. 3 Pt. 1)
- F3** Words in s. 7(1) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 38\(2\)\(b\), Sch. 7](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F4** Words in s. 7(2) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 38\(3\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F5** Words in s. 7(2)(a) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 1 para. 168\(b\)](#) (with Sch. 3 Pt. 1)
- F6** Words in s. 7(2)(a) 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(6)**
- F7** Word in s. 7(2)(a) repealed (1.4.1996) by 1996 c. 5, ss. 3, 13, Sch. 1 para. 2(2), [Sch. 2](#); S.I. 1996/970, [art. 2\(1\)](#)
- F8** S. 7(2)(aa) inserted (19.1.2010) by [Health Act 2009 \(c. 21\), ss. 12\(5\), 40\(1\)](#); S.I. 2010/30, art. 2(b)
- F9** Words in s. 7(2)(b) substituted (1.4.1996) by 1996 c. 5, s. 3, [Sch. 1 para. 2\(3\)](#); S.I. 1996/970, [art. 2\(1\)](#)
- F10** S. 7(2)(c) and preceding word “and” inserted (1.4.1996) by 1996 c. 5, s. 3, [Sch. 1 para. 2\(4\)](#); S.I. 1996/970, [art. 2\(1\)](#)
- F11** Words in s. 7(3) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 38\(4\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F12** S. 7(3A) inserted (1.4.1996) by 1996 c. 5, s. 3, [Sch. 1 para. 2\(5\)](#); S.I. 1996/970, [art. 2\(1\)](#)
- F13** Words in s. 7(3A) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 38\(5\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F14** S. 7(3B) inserted (1.4.1996) by 1996 c. 5, s. 8(3); S.I. 1996/970, [art. 2\(1\)](#)
- F15** Words in s. 7(3B) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 38\(6\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F16** Words in s. 7(4) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 38\(6\)](#) (with s. 38); S.I. 2005/2800, art. 5(1)(3)

**Changes to legislation:**

Health Service Commissioners Act 1993, Section 7 is up to date with all changes known to be in force on or before 04 July 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.

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**Changes and effects yet to be applied to :**

- s. 7(2)(b) word repealed by [2006 c. 44 s. 15\(4\)\(a\)](#)

**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\(6\)\(b\)](#)