



# Health Service Commissioners Act 1993

## 1993 CHAPTER 46

### *Complaints*

#### **9 Requirements to be complied with. E+W+S**

- (1) The following requirements apply in relation to a complaint made to [<sup>F1</sup>the Commissioner].
  - (2) A complaint must be made in writing.
  - (3) The complaint shall not be entertained unless it is made—
    - (a) by the person aggrieved, or
    - (b) where the person by whom a complaint might have been made has died or is for any reason unable to act for himself, by—
      - (i) his personal representative,
      - (ii) a member of his family, or
      - (iii) some body or individual suitable to represent him.
  - (4) The Commissioner shall not entertain the complaint if it is made more than a year after the day on which the person aggrieved first had notice of the matters alleged in the complaint, unless he considers it reasonable to do so.
- [<sup>F2</sup>(4A) In the case of a complaint against a person who is no longer of a description set out in [<sup>F3</sup>section 2A(1)], but was of such a description at the time of the action complained of, the Commissioner shall not entertain the complaint if it is made more than three years after the last day on which the person was a family health service provider.
- (4B) In the case of a complaint against a person falling within [<sup>F4</sup>section 2B(1)] in relation to whom there are no longer any such arrangements as are mentioned there, the Commissioner shall not entertain the complaint if it is made more than three years after the last day on which the person was an independent provider.]
- <sup>F5</sup>(5) .....
- <sup>F6</sup>(6) .....

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*Changes to legislation: Health Service Commissioners Act 1993, Section 9 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*

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#### Textual Amendments

- F1** Words in s. 9(1) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 39(2)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F2** S. 9(4A)(4B) inserted (23.2.2001) by 2000 c. 28, **ss. 2, 4(2)** (with s. 3)
- F3** Words in s. 9(4A) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 39(3)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F4** Words in s. 9(4B) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 39(4)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F5** S. 9(5) repealed (1.4.1996) by 1996 c. 5, ss. 9(a), 13, **Sch. 2**; S.I. 1996/970, **art. 2(1)**
- F6** S. 9(6) repealed (1.4.1996) by 1996 c. 5, ss. 9(b), 13, **Sch. 2**; S.I. 1996/970, **art. 2(1)**

**Changes to legislation:**

Health Service Commissioners Act 1993, Section 9 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 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\(6\)\(b\)](#)