



Health Service Commissioners Act 1993

CHAPTER 46

HEALTH SERVICE COMMISSIONERS ACT 1993

Health Service Commissioner

- 1 The Commissioner.

Health service bodies subject to investigation

- 2 The bodies subject to investigation.

Persons subject to investigation

- 2A Health service providers subject to investigation.
- 2B Independent providers subject to investigation.

Matters subject to investigation

- 3 General remit of Commissioner.

Matters excluded from investigation

- 4 Availability of other remedy.
- 5 Exercise of clinical judgment.
- 6 General health services and service committees.
- 7 Personnel, contracts etc.
- 7A Certain functions of Mental Welfare Commission for Scotland.

Complaints

- 8 Individuals and bodies entitled to complain.
- 9 Requirements to be complied with.
- 10 Referral of complaint by health service body.

Changes to legislation: Health Service Commissioners Act 1993 is up to date with all changes known to be in force on or before 19 April 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

Investigations

- 11 Procedure in respect of investigations.
- 12 Evidence.
- 13 Obstruction and contempt.

Reports

- 14 Reports by the Commissioner.
- 14A Reports by Welsh Commissioner.
- 14B Action in response to reports by Welsh Commissioner.
- 14C Reports: supplementary.

Information and consultation

- 15 Confidentiality of information.
- 16 Information prejudicial to the safety of the State.
- 17 Use of information by Commissioner in other capacity.
- 18 Consultation during investigations.
- 18ZA Collaborative working between the Commissioner and other Commissioners
- 18A Disclosure of information to Information Commissioner.

Supplementary

- 19 Interpretation.
- 20 Consequential amendments and repeals.
- 21 Transitional provisions.
- 22 Short title, extent and commencement.

SCHEDULES

SCHEDULE 1 — The English ... Commissioner

Introductory

- A1 In this Schedule references to a Commissioner (or Health Service...

Appointment of Commissioner

- 1 Her Majesty may by Letters Patent appoint a person to...
- 1A Subject to paragraphs 1C and 1D a person appointed to...
- 1B That period must be not more than seven years.
- 1C A person appointed to be the Commissioner may be relieved...
- 1D A person appointed to be the Commissioner may be removed...
- 1E A person appointed to be the Commissioner is not eligible...

Appointment of acting Commissioner

- 2 (1) Where the office of Commissioner becomes vacant, Her Majesty...

Ineligibility of certain persons for appointment

- 3 (1) A person who is a member of a relevant...
- 3A (1) A person who is a relevant family health service...

Changes to legislation: Health Service Commissioners Act 1993 is up to date with all changes known to be in force on or before 19 April 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

Salaries

- 4 (a) There shall be paid to the holder of the...
- 5 The salary payable to a holder of the office of...
- 6 (1) Where a person holds— (a) the office of Parliamentary...

Pensions and other benefits

- 7 Schedule 1 to the Parliamentary Commissioner Act 1967 (which relates...
- 8 In computing the salary of a former holder of the...
- 9 (1) In this paragraph, “relevant office” means the office of...
- 10 In any case where a person makes an election under...

Staff and advisers

- 11 (1) The Commissioner may appoint such officers as he may...
- 12 Any functions of the Commissioner under this Act may be...
- 12A For the purposes of conducting a joint investigation referred to...
- 13 (1) To assist him in any investigation the Commissioner may...

Financial provisions

- 14 The expenses of the Commissioner ... under this Act—
- 15 Any salary, pension or other benefit payable by virtue of...

SCHEDULE 1A — The Welsh Commissioner

Appointment

- 1 (1) The Health Service Commissioner for Wales shall be appointed...

Status

- 2 (1) The Health Service Commissioner for Wales shall be regarded...

Appointment of acting Commissioner

- 3 (1) Where the office of Health Service Commissioner for Wales...

Ineligibility of certain persons for appointment

- 4 (1) A person who is a member of a body...

Remuneration

- 5 (1) The Assembly shall— (a) pay the Health Service Commissioner...

Staff and advisers

- 6 (1) The Health Service Commissioner for Wales may appoint such...

Reports

- 7 (1) The Health Service Commissioner for Wales—

Expenses

- 8 (1) The expenses of the Health Service Commissioner for Wales...

Changes to legislation: Health Service Commissioners Act 1993 is up to date with all changes known to be in force on or before 19 April 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

Estimates

- 9 (1) For each financial year after the first financial year...

Accounts

- 10 (1) The Health Service Commissioner for Wales shall keep proper...

Audit

- 11 (1) The accounts prepared by the Health Service Commissioner for...

Accounting officer

- 12 (1) The accounting officer for the Office of the Health...

Examinations into use of resources

- 13 (1) The Auditor General for Wales may carry out examinations...

Examinations by the Comptroller and Auditor General

- 14 (1) For the purpose of enabling him to carry out...

SCHEDULE 2 — Consequential amendments

The Parliamentary Commissioner Act 1967 (c.13)

- 1 In section 11A of the Parliamentary Commissioner Act 1967
(consultations...
2 In paragraph 8 of Schedule 3 to that Act (action...

The Local Government Act 1974 (c.7)

- 3 In section 29(5)(b) of the Local Government Act 1974 (restriction...
4 (1) Section 33 of that Act (consultation between Local
Commissioners,...

The Local Government (Scotland) Act 1975 (c.30)

- 5 In section 27(5)(b) of the Local Government (Scotland) Act 1975...
6 (1) Section 31 of that Act (consultation between Commissioner for...

The Hospital Complaints Procedure Act 1985 (c.42)

- 7 In section 1(2) of the Hospital Complaints Procedure Act 1985...

The Parliamentary and Health Service Commissioners Act 1987 (c.39)

- 8 In section 2(1) of the Parliamentary and Health Service
Commissioners...

SCHEDULE 3 — Repeals

— TABLE OF DERIVATIONS

- 1 Notes:
2 The following abbreviations are used in this Table: 1967 =...
3 The abbreviation “Law Comm R” followed by a number refers...

Changes to legislation: *Health Service Commissioners Act 1993 is up to date with all changes known to be in force on or before 19 April 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](#)*

4 Certain functions of the Minister for the Civil Service were...

Changes to legislation:

Health Service Commissioners Act 1993 is up to date with all changes known to be in force on or before 19 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 2(1)(d) omitted by 2012 c. 7 Sch. 14 para. 63
- s. 2(2)(b) words substituted by 2003 c. 43 Sch. 11 para. 61(b)
- s. 2A(1)(c) words substituted by 2022 c. 31 Sch. 3 para. 46
- s. 4(4)(a) words inserted by 2006 c. 44 s. 15(3)(b)
- s. 4(4)(a) words substituted by 2006 c. 44 s. 15(3)(a)
- s. 4(6) repealed by 2003 c. 43 Sch. 14 Pt. 2
- s. 6(5) words repealed by 2006 c. 28 Sch. 8 para. 34Sch. 9
- s. 7(2)(b) word repealed by 2006 c. 44 s. 15(4)(a)
- s. 11(1C) words inserted by 2006 c. 44 s. 15(5)
- s. 12(1A) words substituted by 2006 c. 44 s. 15(6)
- s. 18(1) word repealed by 2004 c. 34 Sch. 15 para. 37(2)(c)Sch. 16 (This amendment is not applied to legislation.gov.uk. Sch. 15 para. 37 repealed (1.4.2006) by 2005 c. 10, Sch. 7; S.I. 2005/2800, art. 5(1)(3))
- s. 18(1) word repealed by 2004 c. 34 Sch. 15 para. 37(2)(d)Sch. 16 (This amendment is not applied to legislation.gov.uk. Sch. 15 para. 37 repealed (1.4.2006) by 2005 c. 10, Sch. 7; S.I. 2005/2800, art. 5(1)(3))
- Sch. 2 para. 3 repealed by 2009 c. 21 Sch. 6

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)