



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 [^{F6}NHS England] under [^{F7}section 84 [^{F8}, 100 or 117] of the National Health Service Act 2006]
- (b) persons (whether individuals or bodies) undertaking to provide in England [^{F9}... pharmaceutical services under ^{F10}... that Act; [^{F11}or]
- (c) individuals performing in England [^{F12}primary] medical services or [^{F12}primary] dental services in accordance with arrangements made under [^{F13}section 92 or 107] of that Act (except as employees of, or otherwise on behalf of, a health service body or an independent provider)]

[^{F14}or

- (d) individuals providing in England local pharmaceutical services in accordance with arrangements made under a pilot scheme established under [^{F15}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).]

^{F16}(2)

^{F17}(3)

(4) In this Act—

- (a) references to a family health service provider are to any person mentioned in [^{F18}subsection (1)];

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(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 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** Word in s. 2A(1)(b) repealed (E.) (12.12.2002) by S.I. 2002/2861, art. 26(a)
- F12** 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)
- F13** 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)
- F14** S. 2A(1)(d) and the word preceding it inserted (E.) (12.12.2002) by S.I. 2002/2861, art. 26(b)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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 [F19the Commissioner] if—

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- (a) they are [^{F20}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 [^{F21}or were not at the time of the action complained of] themselves health service bodies or family health service providers.

[^{F22}(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.]

^{F23}(2)

^{F23}(2A)

^{F24}(3)

- (4) The services provided under arrangements mentioned in [^{F25}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) [^{F26}or (1A)].

Textual Amendments

- F19** 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)
- F20** Words in s. 2B(1)(a) inserted (23.2.2001) by 2000 c. 28, **ss. 1(1)(3)(a)**, 4(2) (with s. 3)
- F21** Words in s. 2B(1)(b) inserted (23.2.2001) by 2000 c. 28, **ss. 1(1)(3)(b)**, 4(2) (with s. 3)
- F22** 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)
- F23** 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)
- F24** 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)**
- F25** 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)
- F26** 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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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\(6\)\(b\)](#)