

Changes to legislation: Government of Wales Act 1998, SCHEDULE 10 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

SCHEDULES

SCHEDULE 10

Section 112.

AMENDMENTS OF HEALTH SERVICE COMMISSIONERS ACT 1993

Commencement Information

- II** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent; Sch. 10 paras. 2, 3(3)(4), 5, 8-12, 15(3), 16 and 17 in force at 1.7.1999 by S.I. 1999/1290, art. 4; Sch. 10 paras. 1, 3(1)(2), 4, 6, 7, 13, 14 and 15(1)(2)(4) in force at 1.4.1999 by S.I. 1999/782, art. 2

- 1 The ^{M1}Health Service Commissioners Act 1993 has effect subject to the following amendments.

Marginal Citations

- M1** 1993 c. 46.

- 2 In section 1(3) (which introduces Schedule 1), for “the Commissioners and other administrative matters” substitute “, and other administrative matters relating to, the Health Service Commissioner for England and the Health Service Commissioner for Scotland; and Schedule 1A has effect with respect to the appointment and remuneration of, and other administrative matters relating to, the Health Service Commissioner for Wales”.
- 3 (1) Section 2 (bodies subject to investigation by Health Service Commissioners) is amended as follows.
- (2) ^{F1}
- (3) In subsection (5)(b) (Special Health Authorities which are subject to investigation by Health Service Commissioner), omit “by Order in Council”.
- (4) For subsection (6) (procedure for Order in Council) substitute—
- “(6) A designation for the purposes of subsection (5)(b) shall be made—
- (a) in the case of a Special Health Authority exercising functions only or mainly in Wales, by order made by the Assembly by statutory instrument, and
- (b) in any other case, by Order in Council;
- and a statutory instrument containing an Order in Council made by virtue of paragraph (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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Textual Amendments

F1 Sch. 10 para. 3(2) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Commencement Information

I2 Sch. 10 para. 3 partly in force; Sch. 10 para. 3 not in force at Royal Assent see s. 158; Sch. 10 para. 3(3) (4) in force at 1.7.1999 by S.I. 1999/1290, art. 4

4 **F2**

Textual Amendments

F2 Sch. 10 para. 4 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

5 **F3**

Textual Amendments

F3 Sch. 10 para. 5 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

6 **F4**

Textual Amendments

F4 Sch. 10 para. 6 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

7 In section 8(2) (authorities not entitled to make a complaint)—
(a) in paragraph (a), after “government” insert “ (including the Assembly) ”,
and
(b) in paragraph (c), after “department” insert “ or by the Assembly ” and after
“Parliament” insert “ or the Assembly ”.

8 **F5**

Textual Amendments

F5 Sch. 10 para. 8 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

9 In section 11(4) (payment of expenses etc. by Commissioner)—
(a) after “Payments” insert “ made by the Health Service Commissioner for
England or the Health Service Commissioner for Scotland ”, and
(b) **F6**

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Textual Amendments

F6 Sch. 10 para. 9(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

- 10 (1) Section 14 (reports by Commissioners) is amended as follows.
- (2) For “a Commissioner” (in each place) substitute “ the Health Service Commissioner for England or the Health Service Commissioner for Scotland ”.
- (3) In subsection (4) (annual reports)—
- (a) for “Each of the Commissioners” substitute “ The Health Service Commissioner for England and the Health Service Commissioner for Scotland ”, and
- (b) after “shall” and “may” insert “ each ”.
- (4) In the sidenote, after “by” insert “ English and Scottish ”.

11 **F7**

Textual Amendments

F7 Sch. 10 para. 11 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

12 **F8**

Textual Amendments

F8 Sch. 10 para. 12 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

13 In section 17(1) (use of information by Commissioner in other capacity), after “Health Service Commissioner” insert “ , the office of Welsh Administration Ombudsman ”.

- 14 (1) Section 18 (consultation with other Commissioners) is amended as follows.
- (2) In subsection (1) (duty to consult), after paragraph (b) insert—
- “(ba) by the Welsh Administration Ombudsman under the Government of Wales Act 1998,”, and after “Commissioner”, in both places where it appears in the words following paragraph (d), insert “ or the Ombudsman ”.
- (3) In subsection (2) (matters which may be covered by consultation), after “another Commissioner” insert “ or the Welsh Administration Ombudsman ”.
- (4) In subsection (3) (confidentiality), omit “by a Commissioner or his officers”.

15 (1) Section 19 (interpretation) is amended as follows.

- (2) After the definition of “allotted sum” insert—
- ““the Assembly” means the National Assembly for Wales;”.

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- (3) ^{F9}
- (4) ^{F9}

Textual Amendments

F9 Sch. 10 para. 15(3)(4) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Commencement Information

I3 Sch. 10 para. 15 partly in force; Sch. 10 para. 15 not in force at Royal Assent see s. 158; Sch. 10 para. 15(3) in force at 1.7.1999 by S.I. 1999/1290, art. 4

- 16 (1) Schedule 1 (the Commissioners) is amended as follows.
- (2) In the heading, before “COMMISSIONERS” insert “ ENGLISH AND SCOTTISH ”.
 - (3) ^{F10}
 - (4) In paragraph 2(1) (acting Commissioners), for “Where any” substitute “ Where either ”.
 - (5) In paragraphs 3(2)(a) and 3A(2)(a) (ineligibility of certain persons for appointment), omit “or for Wales”.
 - (6) In paragraph 6 (salary of person holding more than one office)—
 - (a) in sub-paragraph (1)(b), for “one or more” substitute “ either or both ”, and
 - (b) in sub-paragraph (2), for “two or more” substitute “ both ”.
 - (7) Omit paragraph 11(2) (staff of Welsh Commissioner).
 - (8) In paragraph 12 (performance of functions of Commissioner by officers of another Commissioner), for “another Commissioner or the Parliamentary Commissioner” substitute “ the other Commissioner, the Health Service Commissioner for Wales, the Parliamentary Commissioner or the Welsh Administration Ombudsman ”.

Textual Amendments

F10 Sch. 10 para. 16(3) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

- 17 ^{F11}

Textual Amendments

F11 Sch. 10 para. 17 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

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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. 104(1A) inserted by [2022 asc 1 s. 68\(6\)\(a\)](#)
- Sch. 1 para. 5A5B by [2000 c. 41 Sch. 3 para. 10\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 paras. 8-16 repealed without ever being in force by Government of Wales Act 2006 (c. 32), s. 163, {Sch. 12} (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.)
- Sch. 17 para. 11A inserted by [2022 asc 1 Sch. 4 para. 12\(4\)\(b\)](#)