



Health Act 2009

2009 CHAPTER 21

PART 1

QUALITY AND DELIVERY OF ^{[^{F1}}HEALTH SERVICES] IN ENGLAND

CHAPTER 3

DIRECT PAYMENTS

12 Jurisdiction of Health Service Commissioner

- (1) The Health Service Commissioners Act 1993 (c. 46) is amended as follows.
- (2) In section 2B (independent providers subject to investigation) after subsection (1) insert—
 - “(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.”
- (3) In subsection (5) of that section after “subsection (1)” insert “ or (1A) ”.
- (4) In section 3(1C) (complaints against independent providers) after “(of whatever kind)” insert “, or has undertaken to provide direct payment services, ”.
- (5) In section 7(2) (contractual or commercial transactions) after paragraph (a) insert—
 - “(aa) matters arising from arrangements for the provision of direct payment services.”
- (6) In section 14 (reports by the Commissioner), in subsection (2C)(e) after “independent provider” insert “ (in a case within section 2B(1)) ”.
- (7) In section 19 (interpretation) after the definition of “the Court” insert—

Changes to legislation: Health Act 2009, Section 12 is up to date with all changes known to be in force on or before 25 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](#)

““direct payment services” means services in respect of which direct payments have been made under section 12A(1), or under regulations under section 12A(4), of the National Health Service Act 2006;”.

Commencement Information

II S. 12 in force at 19.1.2010 by [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. 2(6)(ca) inserted by [2022 c. 31 Sch. 3 para. 57\(b\)](#)
- s. 2(6)(ea) inserted by [2022 c. 31 Sch. 3 para. 57\(c\)](#)

Commencement Orders yet to be applied to the Health Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2011/1255 art. 2](#) amendment to earlier commencing SI 2010/1068 art. 2