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**Changes to legislation:** There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Health Service Commissioners Act 1993 (c. 46). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 6

#### CONSEQUENTIAL AMENDMENTS

##### *Health Service Commissioners Act 1993 (c. 46)*

- 27 The Health Service Commissioners Act 1993 is amended as follows.
- 28 In the heading before section 1, for “Commissioners” substitute “Commissioner”.
- 29 For the heading to section 1, substitute “The Commissioner”.
- 30 (1) Section 1 is amended as follows.
- (2) In subsection (1), omit paragraph (b).
- (3) In subsection (2)—
- (a) for “a Commissioner” substitute “the Commissioner”;
- (b) for “any of the Commissioners” substitute “the Health Service Commissioner for England”.
- (4) In subsection (3), omit the words from “for England” to the end.
- 31 (1) Section 2 (the bodies subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
- (3) Omit subsection (2).
- (4) For subsection (6) substitute—
- “(6) A designation made for the purposes of subsection (5)(b) shall be made by Order in Council; and a statutory instrument containing an Order in Council made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- 32 (1) Section 2A (health service providers subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
- (3) Omit subsection (2).
- (4) In subsection (4), for “subsection (1) or (2)” substitute “subsection (1)”.
- 33 (1) Section 2B (independent providers subject to investigation) is amended as follows.
- (2) In subsection (1), for “the Health Service Commissioner for England” substitute “the Commissioner”.
- (3) Omit subsections (2) and (2A).

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- (4) In subsection (4), for “subsection (1)(a) or (2)(a)” substitute “ subsection (1)(a) ”.
- (5) In subsection (5), for “subsection (1) or (2)” substitute “ subsection (1) ”.
- 34 In the heading to section 3, for “Commissioners” substitute “ Commissioner ”.
- 35 (1) Section 3 is amended as follows.
- (2) In subsections (1), (1A), (1C), (1E), (2), (3), (4), (5) and (6), for “a Commissioner” substitute “ the Commissioner ”.
- (3) Omit subsection (1YA).
- 36 (1) Section 4 (availability of other remedy) is amended as follows.
- (2) In subsections (1) and (2), for “A Commissioner” substitute “ The Commissioner ”.
- (3) In subsection (5), for “a Commissioner” substitute “ the Commissioner ”.
- 37 In section 6 (general health services and service committees) in subsections (3) and (5)—
- (a) for “A Commissioner” substitute “ The Commissioner ”;
- (b) omit “or Health Authority”.
- 38 (1) Section 7 (personnel, contracts etc.) is amended as follows.
- (2) In subsection (1)—
- (a) for “A Commissioner” substitute “ The Commissioner ”;
- (b) omit “or service as a member of the staff of the Assembly”.
- (3) In subsection (2), for “A Commissioner” substitute “ The Commissioner ”.
- (4) In subsection (3), for “the Health Service Commissioners for England and for Wales” substitute “ the Commissioner ”.
- (5) In subsection (3A), for “A Commissioner” substitute “ The Commissioner ”.
- (6) In subsections (3B) and (4), for “a Commissioner” substitute “ the Commissioner ”.
- 39 (1) Section 9 (requirements to be complied with) is amended as follows.
- (2) In subsection (1), for “a Commissioner” substitute “ the Commissioner ”.
- (3) In subsection (4A), for “section 2A(1) or (2)” substitute “ section 2A(1) ”.
- (4) In subsection (4B), for “section 2B(1) or (2)” substitute “ section 2B(1) ”.
- 40 (1) Section 10 (referral of complaint by health service body) is amended as follows.
- (2) In subsections (1), (4) and (5), for “a Commissioner” substitute “ the Commissioner ”.
- (3) Omit subsection (2A).
- 41 (1) Section 11 (procedure in respect of investigations) is amended as follows.
- (2) In subsections (1), (1A), (1B), and (1C), for “a Commissioner” substitute “ the Commissioner ”.
- (3) In subsection (4)—
- (a) for “A Commissioner” substitute “ The Commissioner ”;

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- (b) for “the Health Service Commissioner for England” substitute “ the Commissioner ”;
  - (c) omit the words from “and payments made by the Health Service Commissioner for Wales” to the end.
- 42 In section 12 (evidence) in subsections (1), (1A) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- 43 In section 13 (obstruction and contempt), in subsection (1), for “A Commissioner” substitute “ The Commissioner ”.
- 44 For the heading to section 14 substitute “ Reports by the Commissioner ”.
- 45 (1) Section 14 is amended as follows.
  - (2) In subsections (1), (2), (2A), (2B), (2C), (2D), (2E), (2F), (3) and (5), for “the Health Service Commissioner for England” substitute “ the Commissioner ”.
  - (3) In subsection (4), for “The Health Service Commissioner for England” substitute “ The Commissioner ”.
- 46 Omit sections 14A to 14C (reports by the Welsh Commissioner).
- 47 (1) Section 15 (confidentiality of information) is amended as follows.
  - (2) In subsection (1), for each occurrence of “a Commissioner” substitute “ the Commissioner ”.
  - (3) In subsections (1A), (1C) and (2), for “a Commissioner” substitute “ the Commissioner ”.
  - (4) In subsection (3)—
    - (a) for “a Commissioner’s” substitute “ the Commissioner’s ”;
    - (b) omit “or paragraph 6(6) of Schedule 1A”.
- 48 In section 16 (information prejudicial to the safety of the State) in subsections (1) and (2), for “a Commissioner” substitute “ the Commissioner ”.
- 49 (1) Section 17 (use of information by Commissioner in other capacity) is amended as follows.
  - (2) In subsection (1)—
    - (a) for “a Commissioner” substitute “ the Commissioner ”;
    - (b) omit the words from “any of the other offices” to “Welsh Administration Ombudsman or”.
  - (3) Omit subsection (3).
- 50 (1) Section 18 (consultation during investigations) is amended as follows.
  - (2) In subsection (1)—
    - (a) for “a Commissioner” substitute “ the Commissioner ”;
    - (b) omit paragraph (a);
    - (c) for paragraph (ba) substitute—
      - “(ba) by the Public Services Ombudsman for Wales under the Public Services Ombudsman (Wales) Act 2005,”;
    - (d) omit paragraph (e) and the word “or” immediately preceding it.

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- (3) In subsection (2)—
- (a) for “a Commissioner” substitute “ the Commissioner ”;
  - (b) for “the Ombudsman” substitute “ the Public Services Ombudsman for Wales ”.
- 51 In section 18A (disclosure of information to Information Commissioner) in subsection (1) for “The Health Service Commissioner for England or the Health Service Commissioner for Wales” substitute “ The Health Service Commissioner ”.
- 52 (1) Section 19 (interpretation) is amended as follows.
- (2) Omit the definitions of “financial year” and “first financial year of the Assembly”.
  - (3) In the definition of “officer” omit “and, in the case of the Health Service Commissioner for Wales, any member of his staff”.
- 53 (1) Schedule 1 is amended as follows.
- (2) Omit paragraph A1.
  - (3) In the heading before paragraph 1, for “Commissioners” substitute “ Commissioner ”.
  - (4) In paragraph 1(1) and (2), for “a Commissioner” substitute “ the Commissioner ”.
  - (5) In paragraph 3—
    - (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
    - (b) in sub-paragraph (2), for “section 2(1) or (2)” substitute “ section 2(1) ”.
  - (6) In paragraph 3A—
    - (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
    - (b) in sub-paragraph (2), for “section 2A(1) or (2)” substitute “ section 2A(1) ”.
  - (7) In paragraphs 4, 5 and 7, for “a Commissioner” substitute “ the Commissioner ”.
  - (8) In paragraph 11(1), for “A Commissioner” substitute “ The Commissioner ”.
  - (9) In paragraph 12—
    - (a) for “a Commissioner” substitute “ the Commissioner ”;
    - (b) for “the Health Service Commissioner for Wales, the Parliamentary Commissioner or the Welsh Administration Ombudsman” substitute “ the Parliamentary Commissioner or the Public Services Ombudsman for Wales ”.
  - (10) In paragraph 13—
    - (a) in sub-paragraph (1), for “a Commissioner” substitute “ the Commissioner ”;
    - (b) in sub-paragraph (2), for “A Commissioner” substitute “ The Commissioner ”.
  - (11) In paragraph 14, for “a Commissioner” substitute “ the Commissioner ”.
- 54 Omit Schedule 1A (the Welsh Commissioner).

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