

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 13

ADDITIONAL PROVISIONS AS TO THE HEALTH SERVICE COMMISSIONER FOR ENGLAND AND THE HEALTH SERVICE COMMISSIONER FOR WALES.

Modifications etc. (not altering text)

C1 Sch. 13 modified by S.I. 1982/295, art. 3(1)

PART I

PROCEDURAL AND OTHER PROVISIONS

Secrecy of information

F1

15

Textual Amendments

F1 Sch. 13 para. 15 repealed by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(4), Sch. 2

- 16 Information obtained by the Commissioner or his officers in the course of or for the purposes of an investigation under Part V of this Act shall not be disclosed except—
- (a) for the purposes of the investigation and of any report to be made in respect of the investigation under that Part,
 - (b) for the purposes of any proceedings for an offence under [^{F2}the Official Secrets Acts 1911 to 1989] alleged to have been committed in respect of information obtained by the Commissioner or any of his officers by virtue of that Part or for an offence of perjury alleged to have been committed in the course of an investigation under that Part or for the purposes of an inquiry with a view to the taking of such proceedings, or
 - (c) for the purposes of any proceedings under paragraphs 12 and 13 above,
- and the Commissioner and his officers shall not be called upon to give evidence in any proceedings (other than those mentioned in this paragraph) of matters coming to his or their knowledge in the course of an investigation under that Part.

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Textual Amendments

F2 Words substituted by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(3), [Sch. 1 para. 1](#)

[^{F3}16A(1) Where the Commissioner also holds office as a relevant commissioner and a person initiates a complaint to him in his capacity as such a commissioner which relates partly to a matter with respect to which that person has previously initiated a complaint to him in his capacity as the Commissioner, or subsequently initiates such a complaint, information obtained by the Commissioner or his officers in the course of or for the purposes of the investigation under Part V of this Act may be disclosed for the purposes of his carrying out his functions in relation to the other complaint.

(2) In this paragraph “relevant commissioner”—

- (a) in relation to the Health Service Commissioner for England, means the Parliamentary Commissioner, the Health Service Commissioner for Wales and the Health Service Commissioner for Scotland; and
- (b) in relation to the Health Service Commissioner for Wales, means the Parliamentary Commissioner, the Health Service Commissioner for England and the Health Service Commissioner for Scotland.]

Textual Amendments

F3 [Para. 16A](#) inserted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), s. 4(4)

17 A Minister of the Crown may give notice in writing to the Commissioner, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in the Minister’s opinion the disclosure of that document or information, or of documents or information of that class, would be prejudicial to the safety of the State or otherwise contrary to the public interest.

18 Where a notice under paragraph 17 above is given nothing in this Schedule shall be construed as authorising or requiring the Commissioner or any officer of the Commissioner to communicate to any person or for any purpose any document or information specified in the notice, or any document or information of a class so specified.

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