



Health Service Commissioners Act 1993

1993 CHAPTER 46

Matters excluded from investigation

7 Personnel, contracts etc.

- (1) [^{F1}The Commissioner] shall not conduct an investigation in respect of action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service under [^{F2}the National Health Service Act 2006 or the National Health Service (Wales) Act 2006]^{F3}....
 - (2) [^{F4}The Commissioner] shall not conduct an investigation in respect of action taken in matters relating to contractual or other commercial transactions, except for—
 - (a) matters relating to NHS contracts (as defined by [^{F5}section 9 of the National Health Service Act 2006]^{F6} ...), ^{F7}...
 - [^{F8}(aa) matters arising from arrangements for the provision of direct payment services,]
 - (b) matters arising from arrangements between a health service body and [^{F9}an independent provider for the provision of services by the provider][^{F10}and
 - (c) matters arising from arrangements between a family health service provider and an independent provider for the provision of services by the independent provider.]
 - (3) In determining what matters arise from arrangements mentioned in subsection (2)(b) [^{F11}the Commissioner] shall disregard any arrangements for the provision of services at an establishment maintained by a Minister of the Crown mainly for patients who are members of the armed forces of the Crown.
- [^{F12}(3A) [^{F13}The Commissioner] shall not conduct an investigation in pursuance of a complaint if—
- (a) the complaint is in respect of action taken in any matter relating to arrangements made by a health service body and a family health service provider for the provision of family health services,
 - (b) the action is taken by or on behalf of the body or by the provider, and
 - (c) the complaint is made by the provider or the body.]

Changes to legislation: Health Service Commissioners Act 1993, Section 7 is up to date with all changes known to be in force on or before 26 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

[^{F14}(3B) Nothing in the preceding provisions of this section prevents [^{F15}the Commissioner] conducting an investigation in respect of action taken by a health service body in operating a procedure established to examine complaints.]

(4) Her Majesty may by Order in Council amend this section so as to permit the investigation by [^{F16}the Commissioner] of any of the matters mentioned in subsection (1) or (2).

(5) A statutory instrument containing an Order in Council made by virtue of subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 7(1) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 38(2)(a)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F2** Words in s. 7(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 168(a)** (with Sch. 3 Pt. 1)
- F3** Words in s. 7(1) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 38(2)(b)**, **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F4** Words in s. 7(2) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 38(3)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F5** Words in s. 7(2)(a) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 168(b)** (with Sch. 3 Pt. 1)
- F6** Words in s. 7(2)(a) 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(6)**
- F7** Word in s. 7(2)(a) repealed (1.4.1996) by 1996 c. 5, ss. 3, 13, Sch. 1 para. 2(2), **Sch. 2**; S.I. 1996/970, **art. 2(1)**
- F8** S. 7(2)(aa) inserted (19.1.2010) by Health Act 2009 (c. 21), **ss. 12(5)**, 40(1); S.I. 2010/30, art. 2(b)
- F9** Words in s. 7(2)(b) substituted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 2(3)**; S.I. 1996/970, **art. 2(1)**
- F10** S. 7(2)(c) and preceding word “and” inserted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 2(4)**; S.I. 1996/970, **art. 2(1)**
- F11** Words in s. 7(3) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 38(4)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F12** S. 7(3A) inserted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 2(5)**; S.I. 1996/970, **art. 2(1)**
- F13** Words in s. 7(3A) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 38(5)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F14** S. 7(3B) inserted (1.4.1996) by 1996 c. 5, s. 8(3); S.I. 1996/970, **art. 2(1)**
- F15** Words in s. 7(3B) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 38(6)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F16** Words in s. 7(4) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 38(6)** (with s. 38); S.I. 2005/2800, art. 5(1)(3)

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Changes and effects yet to be applied to :

- s. 7(2)(b) word repealed by [2006 c. 44 s. 15\(4\)\(a\)](#)

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\(6\)\(b\)](#)