



# Health Service Commissioners (Amendment) Act 1996

## 1996 CHAPTER 5

### *Other matters*

#### **5 Availability of other remedy.**

In section 4 of the 1993 Act (availability of other remedy) after subsection (3) there shall be inserted—

“(4) Subsection (5) applies where—

- (a) action by reference to which a complaint is made under section 3(1), (1A) or (1C) is action by reference to which a complaint can be made under a procedure operated by a health service body, a family health service provider or an independent provider, and
- (b) subsection (1), (2) or (3) does not apply as regards the action.

(5) In such a case a Commissioner shall not conduct an investigation in respect of the action unless he is satisfied that—

- (a) the other procedure has been invoked and exhausted, or
- (b) in the particular circumstances it is not reasonable to expect that procedure to be invoked or (as the case may be) exhausted.

(6) Section 1(2) of the <sup>M1</sup>Hospital Complaints Procedure Act 1985 (which provides that no right of appeal etc. conferred under section 1 of that Act is to preclude an investigation under this Act) shall have effect subject to subsection (5) above.”

#### **Marginal Citations**

**M1** 1985 c. 42.

**Changes to legislation:**

There are currently no known outstanding effects for the Health Service Commissioners (Amendment) Act 1996, Section 5.