



NHS Redress Act 2006

2006 CHAPTER 44

England

PROSPECTIVE

15 Remit of Health Service Commissioner for England

- (1) The Health Service Commissioners Act 1993 (c. 46) is amended as follows.
- (2) In section 3 (general remit of Commissioner), after subsection (1E) insert—

“(1F) Where a complaint is duly made to the Commissioner by or on behalf of a person that the person has sustained injustice or hardship in consequence of maladministration by any person or body—

 - (a) in the exercise of any functions under a scheme established under section 1 of the NHS Redress Act 2006,
 - (b) in connection with a settlement agreement entered into under such a scheme, or
 - (c) in the exercise of any functions under regulations made under section 14 of that Act (complaints about maladministration in connection with redress scheme),

the Commissioner may, subject to the provisions of this Act, investigate the alleged maladministration.”
- (3) In section 4 (availability of other remedy), in subsection (4)(a)—
 - (a) for “or (1C)” substitute “, (1C) or (1F)(a) or (b)”, and
 - (b) after “Act 2003” insert “, under section 14 of the NHS Redress Act 2006”.
- (4) In section 7(2) (which excludes contracts from the remit of the Commissioner)—
 - (a) the word “and” at the end of paragraph (b) is repealed, and
 - (b) at the end insert “, and

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the NHS Redress Act 2006, Section 15. (See end of Document for details)

(“) matters arising from settlement agreements entered into under a scheme established under section 1 of the NHS Redress Act 2006.”

(5) In section 11 (procedure in respect of investigations), in subsection (1C), after “section 3(1E)” insert “or (1F)”.

(6) In section 12 (evidence), in subsection (1A) for “or (1E)” substitute “, (1E) or (1F)”.

(7) In section 14 (reports by the Commissioner) after subsection (2F) insert—

“(2G) In any case where the Commissioner conducts an investigation pursuant to a complaint under section 3(1F) he shall send a report of the results of the investigation—

- (a) to the person who made the complaint,
- (b) to any member of the House of Commons who to the Commissioner's knowledge assisted in the making of the complaint (or if he is no longer a member to such other member as the Commissioner thinks appropriate),
- (c) to the person or body whose maladministration is complained of,
- (d) in the case of a complaint under section 3(1F)(c), to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of, and
- (e) to the Secretary of State.

(2H) In any case where the Commissioner decides not to conduct an investigation pursuant to a complaint under section 3(1F) he shall send a statement of his reasons—

- (a) to the person who made the complaint, and
- (b) to any such member of the House of Commons as is mentioned in subsection (2G)(b).”

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the NHS Redress Act 2006, Section 15.