



Health Act 2009

2009 CHAPTER 21

PART 1

QUALITY AND DELIVERY OF NHS SERVICES IN ENGLAND

CHAPTER 3

DIRECT PAYMENTS

12 Jurisdiction of Health Service Commissioner

- (1) The [Health Service Commissioners Act 1993 \(c. 46\)](#) is amended as follows.
- (2) In section 2B (independent providers subject to investigation) after subsection (1) insert—
 - “(1A) Persons are subject to investigation by the Commissioner if—
 - (a) they are, or were at the time of the action complained of, providing direct payment services, and
 - (b) they are not, or were not at the time of the action complained of, health service bodies.”
- (3) In subsection (5) of that section after “subsection (1)” insert “or (1A)”.
- (4) In section 3(1C) (complaints against independent providers) after “(of whatever kind)” insert “, or has undertaken to provide direct payment services,”.
- (5) In section 7(2) (contractual or commercial transactions) after paragraph (a) insert—
 - “(aa) matters arising from arrangements for the provision of direct payment services,”.
- (6) In section 14 (reports by the Commissioner), in subsection (2C)(e) after “independent provider” insert “(in a case within section 2B(1))”.
- (7) In section 19 (interpretation) after the definition of “the Court” insert—

Status: This is the original version (as it was originally enacted).

““direct payment services” means services in respect of which direct payments have been made under section 12A(1), or under regulations under section 12A(4), of the National Health Service Act 2006;”.