



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART VI

THE HEALTH SERVICE COMMISSIONER FOR SCOTLAND

[^{F1}95A Consulting other Commissioners.

- (1) Where, at any stage in the course of conducting an investigation under this Part, the Commissioner forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under—
 - (a) the Parliamentary Commissioner Act ^{M1}1967; or
 - (b) Part V of the National Health Service Act ^{M2}1977, he shall, if he considers it necessary, inform the person initiating the complaint of the steps necessary to initiate a complaint under the Parliamentary Commissioner Act 1967 or, as the case may be, Part V of the National Health Service Act 1977.
- (2) In the circumstances described in subsection (1), the Commissioner shall consult the Parliamentary Commissioner or the Health Service Commissioner for England or for Wales, as appropriate, about the complaint (unless he also holds office as that other Commissioner) and such consultation may extend to any matter relating to the complaint, including—
 - (a) the conduct of any investigation into the complaint; and
 - (b) the form, content and publication of any report of the results of such an investigation;and the application by section 95 of section 11(2) of the Parliamentary Commissioner Act ^{M3}1967 shall not extend to the disclosure of information by the Commissioner or any of his officers in the course of such consultations.
- (3) Where the Commissioner also holds office as any of the other Commissioners mentioned in subsection (2) and a person initiates a complaint to him in his capacity as such other Commissioner which relates partly to a matter with respect to which that

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 95A is up to date with all changes known to be in force on or before 27 May 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)

person has previously initiated a complaint to him under this Part, or subsequently initiates such a complaint, information obtained by him or his officers in the course of or for the purposes of the investigation under this Part may be disclosed for the purposes of his carrying out his functions as such other Commissioner in relation to that person's complaint.]

Textual Amendments

F1 S. 95A inserted by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), s. 4(5)

Marginal Citations

M1 [1967 c.13\(89\)](#).

M2 [1977 c.49\(113:2\)](#).

M3 [1967 c.13\(89\)](#).

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