



Health Service Commissioners Act 1993

1993 CHAPTER 46

Supplementary

19 Interpretation.

In this Act—

“action” includes failure to act, and related expressions shall be construed accordingly;

[^{F1}[^{F2}“allotted sum” shall be construed in accordance with section 15 of the ^{M1}National Health Service and Community Care Act 1990 or, in Scotland, section 87B of the ^{M2}National Health Service (Scotland) Act 1978;]]

[^{F3}“the Assembly” means the National Assembly for Wales;]

“the Court” means, in relation to England and Wales, the High Court, ^{F4}...and in relation to Northern Ireland, the High Court in Northern Ireland;

[^{F5}“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;]

[^{F6}“family health services” has the meaning given by section 2A;

“family health service provider” has the meaning given by section 2A;]

^{F7}...

“functions” includes powers and duties;

“health service body” has the meaning given by section 2;

[^{F8}“independent provider” has the meaning given by section 2B;]

“local authority” means—

(a) in relation to England ^{F9}... , a county, district or London borough council or the Common Council of the City of London,

(aa) [^{F10}in relation to Wales, a county council or county borough council,]

(b) in relation to Scotland, a regional, district or islands council;

[^{F11}“Local Commissioner” means a Local Commissioner under Part 3 of the Local Government Act 1974;]

“officer” includes employee ^{F12}...;

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“Parliamentary Commissioner” means Parliamentary Commissioner for Administration;

“patient” includes an expectant or nursing mother and a lying-in woman;

^{F13} . . .

“person aggrieved” means the person who claims or is alleged to have sustained such injustice or hardship as is mentioned in section 3(1) [^{F14}, (1A) or (1C)].

[^{F15}[^{F16}“recognised fund-holding practice” shall be construed in accordance with section 14 of the National Health Service and Community Care Act 1990 or, in Scotland, section 87A of the National Health Service (Scotland) Act 1978.]]

Textual Amendments

- F1** Words in s. 19 inserted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 6(2)**; S.I. 1996/970, **art. 2(1)**
- F2** Words in s. 19 repealed (1.10.1999 for E.S., 1.4.2000 for W.) by 1999 c. 8, s. 65, Sch. 4 para. 85(4), **Sch. 5**; S.I. 1999/2540, art. 2, **Sch. 1**; S.I. 1999/90, art. 2, **Sch. 2**; S.I. 2000/1026, art. 2(1), **Sch.**
- F3** Words in s. 19 inserted (1.4.1999) by 1998 c. 38, s. 112, **Sch. 10 para. 15(2)** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F4** Words in s. 19 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(10)**
- F5** Words in s. 19 inserted (19.1.2010) by Health Act 2009 (c. 21), **ss. 12(7)**, 40(1); S.I. 2010/30, art. 2(b)
- F6** Words in s. 19 inserted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 6(3)**; S.I. 1996/970, **art. 2(1)**
- F7** Words in s. 19 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 52(2)**, **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F8** Words in s. 19 inserted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 6(4)**; S.I. 1996/970, **art. 2(1)**
- F9** Words in s. 19 repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 108, **Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17 para. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F10** Words in s. 19 inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 108** (with ss. 54(5)(7), 55(5), **Sch. 17 para. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F11** Words in s. 19 inserted (1.8.2007) by The Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 (S.I. 2007/1889), arts. 1(1), **17**
- F12** Words in s. 19 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 6 para. 52(3)**, **Sch. 7** (with s. 38); S.I. 2005/2800, art. 5(1)(3)
- F13** Word in s. 19 repealed (1.4.1996) by 1996 c. 5, ss. 3, 13, Sch. 1 para. 6(5), **Sch. 2**; S.I. 1996/970, **art. 2(1)**
- F14** Words in s. 19 inserted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 6(6)**; S.I. 1996/970, **art. 2(1)**
- F15** Words in s. 19 inserted (1.4.1996) by 1996 c. 5, s. 3, **Sch. 1 para. 6(7)**; S.I. 1996/970, **art. 2(1)**
- F16** Words in s. 19 repealed (1.10.1999 for E.S., 1.4.2000 for W.) by 1999 c. 8, s. 65, Sch. 4 para. 85(4), **Sch. 5**; S.I. 1999/2540, art. 2, **Sch. 1**; S.I. 1999/90, art. 2, **Sch. 2**; S.I. 2000/1026, art. 2(1), **Sch.**

Marginal Citations

- M1** 1990 c. 19.
M2 1978 c. 29.

20 Consequential amendments and repeals.

- (1) Schedule 2 to this Act (which contains amendments consequential on this Act) has effect.
- (2) The enactments set out in Schedule 3 are repealed to the extent specified.

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21 Transitional provisions.

- (1) The repeal and re-enactment of provisions in this Act does not affect the continuity of the law.
- (2) Anything done, or having effect as if done, under a provision reproduced in this Act has effect as if done under the corresponding provision of this Act.
- (3) Any reference (express or implied) in this Act or any other enactment, or in any instrument or document, to a provision of this Act shall (so far as the context permits) be construed as (according to the context) being or including in relation to times, circumstances or purposes before the commencement of this Act a reference to the corresponding provision repealed in this Act.
- (4) Any reference (express or implied) in this Act or any other enactment, or in any instrument or document, to a provision repealed in this Act shall (so far as the context permits) be construed as (according to the context) being or including in relation to times, circumstances or purposes after the commencement of this Act a reference to the corresponding provision of this Act.
- (5) Subsection (4) is subject to Schedule 2.

22 Short title, extent and commencement.

- (1) This Act may be cited as the Health Service Commissioners Act 1993.
- (2) The following provisions of this Act extend to Northern Ireland—
 - (a) sections 11, 12, 13, 14(5), 15, 16 and this section;
 - (b) section 19 so far as it relates to provisions mentioned in this subsection;
 - (c) Schedule 2 so far as it amends any enactment which extends to Northern Ireland; and
 - (d) Schedule 3 so far as it repeals any enactment which extends to Northern Ireland.
- (3) The Secretary of State may by order provide that this Act shall apply to the Isles of Scilly with such modifications, if any, as are specified in the order.

Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

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