



# Health Service Commissioners (Amendment) Act 1996

## 1996 CHAPTER 5

### *Providers of services*

#### **2 Commissioners' general remit as to providers.**

(1) Section 3 of the 1993 Act (general remit of Commissioners) shall be amended as follows.

(2) After subsection (1) there shall be inserted—

“(1A) Where a family health service provider has undertaken to provide any family health services and a complaint is duly made to a Commissioner by or on behalf of a person that he has sustained injustice or hardship in consequence of—

- (a) action taken by the family health service provider in connection with the services,
- (b) action taken in connection with the services by a person employed by the family health service provider in respect of the services,
- (c) action taken in connection with the services by a person acting on behalf of the family health service provider in respect of the services, or
- (d) action taken in connection with the services by a person to whom the family health service provider has delegated any functions in respect of the services,

the Commissioner may, subject to the provisions of this Act, investigate the alleged action.

(1B) Where the family health service provider mentioned in subsection (1A) is a member of a recognised fund-holding practice, references there to action taken by any person in connection with family health services include references to action taken by the person concerned in connection with any allotted sum paid to the members of the practice.

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**Changes to legislation:** There are currently no known outstanding effects for the Health Service Commissioners (Amendment) Act 1996, Section 2. (See end of Document for details)

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- (1C) Where an independent provider has made an arrangement with a health service body or a family health service provider to provide a service (of whatever kind) and a complaint is duly made to a Commissioner by or on behalf of a person that he has sustained injustice or hardship in consequence of—
- (a) a failure in the service provided by the independent provider,
  - (b) a failure of the independent provider to provide the service, or
  - (c) maladministration connected with any other action taken in relation to the service,

the Commissioner may, subject to the provisions of this Act, investigate the alleged failure or other action.

- (1D) Any failure or maladministration mentioned in subsection (1C) may arise from action of—
- (a) the independent provider,
  - (b) a person employed by the provider,
  - (c) a person acting on behalf of the provider, or
  - (d) a person to whom the provider has delegated any functions.”

- (3) After subsection (4) there shall be inserted—

“(5) Nothing in this Act authorises or requires a Commissioner to question the merits of a decision taken without maladministration by—

- (a) a family health service provider,
- (b) a person employed by a family health service provider,
- (c) a person acting on behalf of a family health service provider, or
- (d) a person to whom a family health service provider has delegated any functions.

(6) Nothing in this Act authorises or requires a Commissioner to question the merits of a decision taken without maladministration by—

- (a) an independent provider,
- (b) a person employed by an independent provider,
- (c) a person acting on behalf of an independent provider, or
- (d) a person to whom an independent provider has delegated any functions.”

**Changes to legislation:**

There are currently no known outstanding effects for the Health Service Commissioners (Amendment) Act 1996, Section 2.