



# National Health Service and Community Care Act 1990

## 1990 CHAPTER 19

### PART III

#### COMMUNITY CARE: ENGLAND AND WALES

##### *General provisions concerning community care services*

#### **48 Inspection of premises used for provision of community care services.**

- (1) Any person authorised by the Secretary of State may at any reasonable time enter and inspect any premises [<sup>F1</sup>(other than regulated premises)] in which community care services are or are proposed to be provided by a local authority, whether directly or under arrangements made with another person.

[<sup>F2</sup>(1A) In subsection (1) “regulated premises” means—

- (a) in relation to England, premises used for the carrying on of a regulated activity within the meaning of Part 1 of the Health and Social Care Act 2008 by a person who is registered under Chapter 2 of that Part in respect of the activity; and
  - (b) in relation to Wales, premises in respect of which a person is registered under Part 2 of the Care Standards Act 2000.]
- (2) Any person inspecting any premises under this section may—
- (a) make such examination into the state and management of the premises and the facilities and services provided therein as he thinks fit;
  - (b) inspect any records (in whatever form they are held) relating to the premises, or any person for whom community care services have been or are to be provided there; and
  - (c) require the owner of, or any person employed in, the premises to furnish him with such information as he may request.

*Status: Point in time view as at 01/10/2010. This version of this provision has been superseded.*

**Changes to legislation:** National Health Service and Community Care Act 1990, Section 48 is up to date with all changes known to be in force on or before 30 June 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)

- (3) Any person exercising the power to inspect records conferred by subsection (2)(b) above—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used; or
    - (ii) any person having charge of or otherwise concerned with the operation of the computer, apparatus or material, to give him such reasonable assistance as he may require.
- (4) Any person inspecting any premises under this section—
- (a) may interview any person residing there in private—
    - (i) for the purpose of investigating any complaint as to those premises or the community care services provided there, or
    - (ii) if he has reason to believe that the community care services being provided there for that person are not satisfactory; and
  - (b) may examine any such person in private.
- (5) No person may—
- (a) exercise the power conferred by subsection (2)(b) above so as to inspect medical records; or
  - (b) exercise the power conferred by subsection (4)(b) above, unless he is a registered medical practitioner and, in the case of the power conferred by subsection (2)(b) above, the records relate to medical treatment given at the premises in question.
- (6) Any person exercising the power of entry under subsection (1) above shall, if so required, produce some duly authenticated document showing his authority to do so.
- (7) Any person who intentionally obstructs another in the exercise of that power shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) In this section “local authority” and “community care services” have the same meanings as in section 46 above.

#### Textual Amendments

- F1** Words in s. 48(1) substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), [art. 8\(a\)](#)
- F2** S. 48(1A) inserted {1.10.2010} by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), [art. 8\(b\)](#)

#### Commencement Information

- I1** S. 48 wholly in force at 1.4.1991 see s. 67(2) and [S.I. 1990/2218](#), [art. 2](#), [Sch.](#)

**Status:**

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