



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 2

STANDARDS

CHAPTER 3

NHS HEALTH CARE: FUNCTIONS OF CHAI

Healthcare provided by and for NHS bodies

48 **Introductory**

- (1) The CHAI has the general function of encouraging improvement in the provision of health care by and for NHS bodies.
- (2) In exercising its functions under subsection (1) and sections 49 to 56 in relation to such provision, the CHAI shall be concerned in particular with—
 - (a) the availability of, and access to, the health care;
 - (b) the quality and effectiveness of the health care;
 - (c) the economy and efficiency of the provision of the health care;
 - (d) the availability and quality of information provided to the public about the health care;
 - (e) the need to safeguard and promote the rights and welfare of children; and
 - (f) the effectiveness of measures taken for the purpose of paragraph (e) by the body in question and any person who provides, or is to provide, health care for that body.

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

Commencement Information

I1 S. 48 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

49 National performance data

The CHAI has the function of publishing data relating to the provision of health care by and for NHS bodies.

Commencement Information

I2 S. 49 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

50 Annual reviews

- (1) In each financial year the CHAI must conduct a review of the provision of health care by and for—
 - (a) each English NHS body, and
 - (b) each cross-border SHA,
 and must award a performance rating to each such body.
- (2) The CHAI is to exercise its function under subsection (1) by reference to criteria from time to time devised by it and approved by the Secretary of State.
- (3) The CHAI must publish the criteria devised and approved from time to time under subsection (2).
- [^{F1}(4) In exercising its functions under this section in relation to any health care, the CHAI must take into account—
 - (a) the standards set out in statements published under section 46, and
 - (b) any code of practice issued under section 47A.
- (4A) In conducting a review under subsection (1) in relation to a particular body to which provisions of such a code apply, the CHAI must accordingly consider (among other things) the extent, if any, to which those provisions are being observed by the body.]
- (5) For the purposes of this section the CHAI may, subject to this Part, conduct an inspection of—
 - (a) the body being reviewed; and
 - (b) any person who provides, or is to provide, health care for that body (wherever the health care is or is to be provided).
- (6) The Secretary of State may, after consulting the CHAI, by regulations make provision as to the procedure to be followed in respect of the making of representations to the CHAI before the award of a performance rating under this section.

Textual Amendments

F1 S. 50(4)(4A) substituted for s. 50(4) (1.10.2006) by [Health Act 2006 \(c. 28\)](#), **ss. 15(2)**, 83(7); [S.I. 2006/2603](#), **art. 2**

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

Commencement Information

- I3** S. 50 partly in force; s. 50 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I4** S. 50(1) in force for specified purposes at 1.4.2004, 1.4.2006, 1.4.2007 and 1.4.2008 by [S.I. 2004/759](#), [art. 3\(1\)](#), [art. 3\(3\)-\(6\)](#) (as amended (20.3.2006) by [S.I. 2006/836](#), art. 2 and (29.3.2007) by [S.I. 2007/1102](#), art. 2)
- I5** S. 50(2)(3) in force at 1.4.2005 by [S.I. 2004/759](#), [art. 3\(2\)](#)
- I6** S. 50(4) in force at 1.4.2006 by [S.I. 2004/759](#), [art. 3\(3\)\(b\)](#) (as substituted (20.3.2006) by [S.I. 2006/836](#), art. 2)
- I7** S. 50(5) in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

51 Reviews: England and Wales

- (1) The CHAI has the function of conducting reviews of—
- the overall provision of health care by and for NHS bodies;
 - the overall provision of particular kinds of health care by and for NHS bodies;
 - the provision of health care, or a particular kind of health care, by and for NHS bodies of a particular description.
- (2) If the Secretary of State so requests, the CHAI must conduct—
- a review under subsection (1)(a);
 - a review under subsection (1)(b) of the overall provision of a kind of health care specified in the request; or
 - a review under subsection (1)(c) of the provision of health care, or health care of a kind specified in the request, by or for NHS bodies of a description so specified.
- (3) The Secretary of State must consult the Assembly before making a request under subsection (2).
- (4) In conducting a review under this section in relation to any health care the CHAI must take into account—
- the standards set out in statements published under section 46 [^{F2}and any code of practice issued under section 47A], where the health care is provided by or for an English NHS body or cross-border SHA;
 - the standards set out in statements published under section 47, where the health care is provided by or for a Welsh NHS body.
- (5) For the purposes of this section the CHAI may carry out an inspection of—
- any NHS body; and
 - any person who provides, or is to provide, health care for an NHS body (wherever the health care is or is to be provided).
- (6) Where the CHAI conducts a review under this section it must publish a report.
- (7) The Secretary of State may, after consulting the CHAI, by regulations make provision as to the procedure to be followed in respect of the making of representations to the CHAI before the publication of a report under this section.

Textual Amendments

- F2** Words in s. 51(4)(a) inserted (1.10.2006) by [Health Act 2006 \(c. 28\)](#), [ss. 15\(3\)](#), 83(7); [S.I. 2006/2603](#), [art. 2](#)

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 51(4) applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), reg. 1(1), [Sch. para. 7\(2\)](#)

Commencement Information

- I8** S. 51 partly in force; s. 51 in force at Royal Assent for certain purposes, see s. 199(1)(4)
I9 S. 51(1)-(3)(5)(6) in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)
I10 S. 51(4) in force at 1.4.2005 by [S.I. 2004/759](#), [art. 3\(2\)](#)

52 Reviews and investigations: England

- (1) The CHAI has the function of conducting other reviews of, and investigations into, the provision of health care by and for English NHS bodies and cross-border SHAs.
- (2) The CHAI may in particular under this section conduct—
 - (a) a review of the overall provision of health care by and for English NHS bodies and cross-border SHAs;
 - (b) a review of the overall provision of a particular kind of health care by and for English NHS bodies and cross-border SHAs;
 - (c) a review of, or investigation into, the provision of any health care by or for a particular English NHS body or cross-border SHA.
- [^{F3}(3) The CHAI has the function of conducting reviews of—
 - (a) the arrangements made by English NHS bodies and cross-border SHAs for the purpose of discharging their duty under section 45;
 - (b) the arrangements made by particular bodies within paragraph (a) for the purpose of discharging that duty.]
 - (4) If the Secretary of State so requests, the CHAI must conduct—
 - (a) a review under subsection (2)(a);
 - (b) a review under subsection (2)(b) of the overall provision of a kind of health care specified in the request;
 - (c) a review or investigation under subsection (2)(c), or a review under subsection (3), in relation to the provision of such health care by or for such body as may be specified in the request.
 - [^{F4}(5) In exercising its functions under this section in relation to any health care, the CHAI must take into account—
 - (a) the standards set out in statements published under section 46, and
 - (b) any code of practice issued under section 47A.
 - (5A) In conducting a review under subsection (3) in relation to a particular body to which provisions of such a code apply, the CHAI must accordingly consider (among other things) the extent, if any, to which those provisions are being observed by the body.]
 - (6) For the purposes of this section the CHAI may carry out an inspection of—
 - (a) any English NHS body or cross-border SHA; and
 - (b) any person who provides, or is to provide, health care for such a body (wherever the health care is or is to be provided).
 - (7) Where the CHAI conducts a review or investigation under this section it must publish a report.

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

- (8) The Secretary of State may, after consulting the CHAI, by regulations make provision as to the procedure to be followed in respect of the making of representations to the CHAI before the publication of a report under this section.
- (9) The Secretary of State may by regulations require an NHS body to publish a statement as to the action it proposes to take as a result of any review or investigation conducted under this section in relation to it.
- (10) Regulations under subsection (9) may make provision—
- (a) as to the matters with which a statement under the regulations must deal;
 - (b) as to the time by which any such statement must be published;
 - (c) requiring an NHS body, before publishing any such statement, to obtain the consent of any person specified in the regulations;
 - (d) requiring the NHS body publishing any such statement to send a copy of it to any person so specified.

Textual Amendments

- F3** S. 52(3) substituted (1.10.2006) by [Health Act 2006 \(c. 28\)](#), **ss. 15(4)**, 83(7); S.I. 2006/2603, **art. 2**
- F4** S. 52(5)(5A) substituted for s. 52(5) (1.10.2006) by [Health Act 2006 \(c. 28\)](#), **ss. 15(5)**, 83(7); S.I. 2006/2603, **art. 2**

Commencement Information

- I11** S. 52 partly in force; s. 52 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I12** S. 52(1)-(4)(6)(7) in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

53 Failings

- (1) This section applies where the CHAI conducts—
- (a) a review under section 50 or 51; or
 - (b) a review or investigation under section 52.
- (2) The CHAI must make a report to the Secretary of State if it is of the view that—
- (a) there are significant failings in relation to the provision of health care by or for an English NHS body or cross-border SHA;
 - (b) there are significant failings in the running of an English NHS body or cross-border SHA; or
 - (c) there are significant failings in the running of any body, or the practice of any individual, providing health care for an English NHS body or cross-border SHA.
- (3) A report made to the Secretary of State under subsection (2) may include a recommendation that, with a view to remedying the failings in question, the Secretary of State take special measures in relation to—
- (a) in a case falling within paragraph (a) or (b) of subsection (2), the English NHS body or cross-border SHA in question;
 - (b) in a case falling within paragraph (c) of that subsection, any person, other than a Welsh NHS body, referred to in that paragraph.
- (4) The CHAI must also report to the Assembly where it is of the view that—

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

- (a) there are significant failings in relation to the provision of health care by or for a Welsh NHS body;
 - (b) there are significant failings in the running of a Welsh NHS body; or
 - (c) there are significant failings in the running of any body, or the practice of any individual, providing health care for a Welsh NHS body.
- (5) A report made to the Assembly under subsection (4) may include a recommendation that, with a view to remedying the failings in question, the Assembly take special measures in relation to—
- (a) in a case falling within paragraph (a) or (b) of subsection (4), the Welsh NHS body in question; and
 - (b) in a case falling within paragraph (c) of that subsection, any person, other than an English NHS body or cross-border SHA, referred to in that paragraph.
- (6) The CHAI must also make a report to the regulator where it is of the view that—
- (a) there are significant failings in relation to the provision of health care by or for an NHS foundation trust;
 - (b) there are significant failings in the running of an NHS foundation trust; or
 - (c) there are significant failings in the running of any body, or the practice of any individual, providing health care for an NHS foundation trust.
- (7) A report made to the regulator under subsection (6) may include a recommendation that, with a view to remedying the failings in question, the regulator take special measures in relation to the NHS foundation trust in question.
- (8) A report under this section must give the CHAI's reasons for its view and for any recommendation made.
- (9) The Secretary of State may, after consulting the CHAI, by regulations make provision as to the procedure to be followed in respect of the making of representations to the CHAI before the publication of a report under this section.

Modifications etc. (not altering text)

C2 S. 53 explained (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), **ss. 10(4)**, 12(1); [S.I. 2005/121](#), **art. 2(2)**

Commencement Information

I13 S. 53 partly in force; s. 53 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I14 S. 53 in force at 1.4.2004 in so far as not already in force by [S.I. 2004/759](#), **art. 3(1)**

[^{FS}53A Failings in connection with code under section 47A: improvement notices

- (1) This section applies where, following such a review or investigation as is mentioned in section 53(1), the CHAI—
- (a) is of the view that any provisions of a code of practice issued under section 47A and applying to an English NHS body or a cross-border SHA are not being observed in any material respect in relation to the provision of health care by or for the body, but
 - (b) having regard to all the circumstances, is not of the view that it is required to make a report under section 53(2) (or, if relevant, section 53(6)).

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

- (2) The CHAI may serve a notice under this section (an “improvement notice”) on the body in respect of the failure to observe the code, if it considers that serving the notice is the most appropriate course of action for it to take with a view to securing that the failure is remedied.
- (3) An improvement notice must—
 - (a) state that the CHAI has formed the view mentioned in subsection (1)(a) in relation to the provision of health care by or for the body, giving particulars of the material respect in which the CHAI considers that the provisions of the code are not being observed as mentioned in that subsection,
 - (b) state the CHAI's reasons for its view, and
 - (c) require the body to remedy the failure to observe the code, and to do so within such period as is specified in the notice.
- (4) An improvement notice may (but need not) include a recommendation by the CHAI as to the way in which the failure should be remedied.
- (5) An improvement notice may relate to more than one failure within subsection (1)(a), and in such a case—
 - (a) subsections (2) to (4) and section 53B apply separately in relation to each such failure, but
 - (b) any report required by that section may relate to more than one such failure.
- (6) Where the CHAI serves an improvement notice on a body under this section, the CHAI must notify the Secretary of State and—
 - (a) the regulator, if the body is an NHS foundation trust, and
 - (b) any relevant Strategic Health Authority, if the body is a Primary Care Trust or an NHS trust.
- (7) In this section and section 53B “relevant Strategic Health Authority” means—
 - (a) in relation to a Primary Care Trust, any Strategic Health Authority whose area includes any part of the Trust's area;
 - (b) in relation to an NHS Trust (other than one responsible for providing ambulance services), the Strategic Health Authority in whose area all or most of the Trust's hospitals, establishments or facilities are situated;
 - (c) in relation to an NHS Trust responsible for providing ambulance services, the Strategic Health Authority in whose area the headquarters establishment responsible for the control of those services is situated.
- (8) Subsection (9) applies where—
 - (a) an improvement notice is served on a body in respect of a particular failure to observe a code of practice issued under section 47A, and
 - (b) a review under section 52(3)(b) is conducted by the CHAI in pursuance of section 53B(4)(a) with a view to assessing the body's compliance with the notice.
- (9) In such a case subsection (1)—
 - (a) does not apply in relation to that review so as to enable the CHAI to serve a further improvement notice on that body in respect of that failure; but
 - (b) does apply in relation to that review so as to enable the CHAI (if the conditions in subsections (1) and (2) are satisfied) to serve an improvement notice on that body in respect of a different failure to observe the code.

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

Textual Amendments

F5 Ss. 53A, 53B inserted (1.10.2006) by [Health Act 2006 \(c. 28\)](#), **ss. 16, 83(7)**; [S.I. 2006/2603](#), **art. 2**

53B Code of practice: action by CHAI following service of improvement notice

- (1) This section applies where the CHAI has served an improvement notice on a body under section 53A.
- (2) If, before the end of the specified period—
 - (a) the body requests the CHAI to extend that period, and
 - (b) the CHAI considers that there are exceptional circumstances which justify its extending that period by a further period of time,
 the CHAI may, by a notice served on the body, extend the specified period by that further period.
- (3) In this section “the specified period” means—
 - (a) the period specified under section 53A(3)(c), or
 - (b) if that period has been extended under subsection (2) above, that period as so extended.
- (4) Where the specified period has ended or the body notifies the CHAI before the end of that period that it has complied with the improvement notice, the CHAI must—
 - (a) conduct a review under section 52(3)(b) with a view to assessing the body's compliance with the notice, and
 - (b) then comply with subsection (5) or (6);
 and the making of any report in accordance with subsection (5) or (6) is to be taken as satisfying the requirement to publish a report under section 52(7) in respect of the review.
- (5) If the CHAI—
 - (a) remains of the view that the relevant provisions of the code are not being observed in any material respect in relation to the provision of health care by or for the body, and
 - (b) having regard to all the circumstances, is of the view that it is required to make a report under section 53(2) (and, if relevant, section 53(6)),
 the CHAI must accordingly make a report under that provision (or, as the case may be, under each of those provisions).
- (6) If the CHAI does not make any such report or reports, it must instead make a report—
 - (a) to the Secretary of State, and
 - (b) (if the body is an NHS foundation trust) to the regulator,
 setting out the matters mentioned in subsection (7) or (8).
- (7) If the CHAI is of the view that the relevant provisions of the code are being observed in relation to the provision of health care by or for the body, the matters are—
 - (a) that the CHAI is of that view, and
 - (b) its reasons for that view.
- (8) If the CHAI is of the view that the relevant provisions of the code are not being so observed in any respect (material or otherwise), the matters are—

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

- (a) that the CHAI is of that view,
 - (b) its reasons for that view,
 - (c) if its view is that those provisions are not being observed in any material respect, its reasons for not forming the view mentioned in subsection (5)(b), and
 - (d) (whether or not paragraph (c) applies) any action which it proposes to take in relation to the body in connection with the failure to observe the code.
- (9) The CHAI must send a copy of any report made by it in accordance with subsection (5) or (6) in relation to a Primary Care Trust or an NHS trust to the relevant Strategic Health Authority.
- (10) In this section “the relevant provisions of the code” means the provisions of the code in relation to which the CHAI formed the view mentioned in section 53A(1)(a).]

Textual Amendments

F5 Ss. 53A, 53B inserted (1.10.2006) by [Health Act 2006 \(c. 28\)](#), **ss. 16, 83(7)**; [S.I. 2006/2603](#), **art. 2**

54 Functions relating to Secretary of State and Assembly

- (1) The CHAI is to keep the appropriate authority informed about the provision of health care by and for any NHS body.
- (2) The CHAI may at any time give advice to the appropriate authority on any matter connected with the provision of such health care (including, in particular, advice on any changes which it thinks should be made to the standards under section 46 or 47^{F6}, or any code of practice issued under section 47A,] for the purpose of securing improvement in the quality of the health care).
- (3) When requested to do so by the appropriate authority, the CHAI must give the authority advice or information on such matters connected with the provision of health care by or for any NHS body as may be specified in the request.
- (4) The CHAI may give advice to the appropriate authority or any NHS body about the establishment or conduct of any inquiry held, or to be held, by the authority or the body in relation to the provision of health care by or for that body.
- (5) In this section, the “appropriate authority” means—
 - (a) the Secretary of State, in relation to the provision of health care by or for an English NHS body or cross-border SHA; or
 - (b) the Assembly, in relation to the provision of health care by or for a Welsh NHS body.

Textual Amendments

F6 Words in [s. 54\(2\)](#) inserted (1.10.2006) by [Health Act 2006 \(c. 28\)](#), **ss. 15(6), 83(7)**; [S.I. 2006/2603](#), **art. 2**

Commencement Information

I15 S. 54 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

55 Reviews of data

- (1) The CHAI may review—
- (a) the quality of data obtained by others in relation to the provision of health care by and for NHS bodies;
 - (b) the methods used in the collection and analysis of such data; and
 - (c) the validity of conclusions drawn from such data.
- (2) Where the CHAI conducts a review under this section it must publish a report.

Commencement Information

I16 S. 55 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

56 Co-ordination of reviews

The CHAI has the function of promoting the effective co-ordination of reviews or assessments carried out by public bodies or other persons in relation to the provision of health care by or for English NHS bodies and cross-border SHAs.

Commencement Information

I17 S. 56 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

Other functions

57 Studies as to economy, efficiency etc

- (1) The CHAI has the function of promoting or undertaking comparative or other studies designed to enable it to make recommendations for improving economy, efficiency and effectiveness in the exercise of any of the functions of an English NHS body, other than a Special Health Authority (whether the functions are exercised by the English NHS body or by another person).
- (2) The CHAI may exercise its function under subsection (1) in relation to a body on the CHAI's own initiative or at the request of the body concerned.
- (3) For the purposes of this section the CHAI may carry out an inspection of—
 - (a) any English NHS body other than a Special Health Authority;
 - (b) any person exercising the functions of such a body.
- (4) The CHAI must publish its recommendations and the result of any studies under this section.
- (5) The Secretary of State may, after consulting the CHAI, by regulations make provision as to the procedure to be followed in respect of the making of representations to the CHAI before the publication of any recommendations or the result of any studies under this section.
- (6) The CHAI's functions under this section may be exercised on its behalf by the Audit Commission, if the Audit Commission and the CHAI so agree.

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

- (7) Where the Audit Commission exercises functions under subsection (6), it shall do so on such terms, including terms as to payment, as the CHAI and the Audit Commission may agree.

Modifications etc. (not altering text)

C3 S. 57 excluded (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), **ss. 10(5)**, 12(1); S.I. 2005/121, **art. 2(2)**

Commencement Information

I18 S. 57 partly in force; s. 57 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I19 S. 57 in force at 1.4.2004 in so far as not already in force by S.I. 2004/759, **art. 3(1)**

58 Additional functions

- (1) The Secretary of State may by regulations provide that the CHAI is to have such additional functions as may be prescribed in relation to—
- (a) the provision of health care by or for NHS bodies;
 - (b) the improvement of—
 - (i) economy, efficiency and effectiveness in the exercise of the functions of English NHS bodies; and
 - (ii) the financial or other management, or operations, of English NHS bodies.
- (2) The Secretary of State must consult the regulator before making provision under subsection (1) in relation to NHS foundation trusts.
- (3) The Secretary of State must obtain the consent of the Assembly before making provision under subsection (1)(a) in relation to health care provided by or for a Welsh NHS body other than health care provided by or for an English NHS body or cross-border SHA.

Commencement Information

I20 S. 58 partly in force; s. 58 in force at Royal Assent for certain purposes, see s. 199(1)(4)

Supplementary

59 Criteria

- (1) The Secretary of State may, after consulting the CHAI, make regulations requiring the CHAI to devise and publish statements of criteria to be used in—
- (a) the exercise of any of its functions under section 48(1), 49, 51 or 53 in relation to the provision of health care by or for an English NHS body or cross-border SHA;
 - (b) the exercise of any of its functions under section 52, 56, 57 or 58(1)(b).
- (2) The Assembly may, after consulting the CHAI, make regulations requiring the CHAI to devise and publish statements of criteria to be used in the exercise of its functions

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

under section 48(1), 49, 51 or 53 in relation to the provision of health care by or for a Welsh NHS body.

- (3) In relation to any function conferred on the CHAI under subsection (1)(a) of section 58, regulations under that section may provide that any one or more of the following provisions of this section shall have effect as if it included a reference to the exercise of that function—
- (a) subsection (1)(a);
 - (b) subsection (1)(b);
 - (c) subsection (2).
- (4) Regulations under this section may require the CHAI—
- (a) to consult any person specified in the regulations before publishing a statement under subsection (1) or (2);
 - (b) to obtain the consent of the Secretary of State before publishing a statement under subsection (1);
 - (c) to obtain the consent of the Assembly before publishing a statement under subsection (2).

Commencement Information

I21 S. 59 partly in force; s. 59 in force at Royal Assent for certain purposes, see s. 199(1)(4)

60 Provision of material

- (1) The CHAI must, on request, provide the Comptroller and Auditor General with any material relevant to a review or investigation under sections 50 to 52 or a study under section 57.
- [^{F7}(1A) The CHAI must also, on request, provide the Auditor General for Wales with all material which is relevant to a review under section 51 and to one or more Welsh NHS bodies.]
- (2) The CHAI must, on request, provide the regulator with—
- (a) any material which is relevant to a review or investigation under sections 50 to 52 and relates to the provision of health care by or for an NHS foundation trust;
 - (b) any material which is relevant to a study under section 57 and relates to an NHS foundation trust.

Textual Amendments

F7 S. 60(1A) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 2 para. 58](#); [S.I. 2005/558](#), art. 2, [Sch. 1](#)

Commencement Information

I22 S. 60 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

61 Co-operation between CHAI and the regulator

- (1) The CHAI and the regulator must co-operate with each other in the exercise of their respective functions under Part 1 and this Chapter.
- (2) In particular, for the purposes of subsection (1)—
 - (a) the CHAI must keep the regulator informed about the provision of health care by and for NHS foundation trusts;
 - (b) the regulator must give to the CHAI any information it has about the provision of health care by or for an NHS foundation trust which it considers would assist the CHAI in the discharge of its functions.

Commencement Information

I23 S. 61 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

62 Fees

- (1) The CHAI may from time to time make and publish provision—
 - (a) requiring an English NHS body or cross-border SHA to pay a fee in respect of the exercise by the CHAI, in relation to that body or to health care provided by or for that body, of such of its functions under this Chapter as may be prescribed;
 - (b) requiring a person of a prescribed description who provides health care for an English NHS body or cross-border SHA to pay a fee in respect of the exercise by the CHAI, in relation to the health care so provided by that person, of such of its functions under this Chapter as may be prescribed.
- (2) The CHAI may not under subsection (1)(b) require a Welsh NHS body to pay a fee.
- (3) The amount of a fee payable under provision under subsection (1) shall be such as may be specified in, or calculated or determined under, the provision.
- (4) Provision under subsection (1) may include provision—
 - (a) for different fees to be paid in different cases, or classes of case;
 - (b) for different fees to be paid by persons of different descriptions;
 - (c) for the amount of a fee to be determined by the CHAI in accordance with specified factors;
 - (d) for the time by which a fee must be paid.
- (5) Before making any provision under subsection (1) the CHAI must consult such persons as appear to it appropriate.
- (6) The Secretary of State may by regulations make provision as to—
 - (a) the manner in which provision under subsection (1) is to be made and published;
 - (b) the matters to be taken into account by the CHAI before making the provision.
- (7) The Secretary of State may by regulations make provision for an independent person or panel to review the amount charged under subsection (1) in any particular case and, if that person or panel thinks fit, to substitute a lesser amount for that amount.

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

- (8) For the purpose of determining the fee payable by a person or body under subsection (1), the person or body must provide the CHAI with such information, in such form, as the CHAI may require.
- (9) A fee payable by virtue of this section may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

Commencement Information

I24 S. 62 partly in force; s. 62 in force at Royal Assent for certain purposes, see s. 199(1)(4)

63 Fees: Wales

- (1) The CHAI may from time to time make and publish provision—
- (a) requiring a Welsh NHS body to pay a fee in respect of the exercise by the CHAI, in relation to that body or to health care provided by or for that body, of such of its functions under this Chapter as may be prescribed;
 - (b) requiring a person of a prescribed description who provides health care for a Welsh NHS body to pay a fee in respect of the exercise by the CHAI, in relation to the health care so provided by that person, of such of its functions under this Chapter as may be prescribed.
- (2) The CHAI may not under subsection (1)(b) require an English NHS body or cross-border SHA to pay a fee.
- (3) The amount of a fee payable under provision under subsection (1) shall be such as may be specified in, or calculated or determined under, the provision.
- (4) Provision under subsection (1) may include provision—
- (a) for different fees to be paid in different cases, or classes of case;
 - (b) for different fees to be paid by persons of different descriptions;
 - (c) for the amount of a fee to be determined by the CHAI in accordance with specified factors;
 - (d) for the time by which a fee must be paid.
- (5) Before making any provision under subsection (1) the CHAI must consult such persons as appear to it appropriate.
- (6) The Assembly may by regulations make provision as to—
- (a) the manner in which provision under subsection (1) is to be made and published;
 - (b) the matters to be taken into account by the CHAI before making the provision.
- (7) The Assembly may by regulations make provision for an independent person or panel to review the amount charged under subsection (1) in any particular case and, if that person or panel thinks fit, to substitute a lesser amount for that amount.
- (8) For the purpose of determining the fee payable by a person or body under subsection (1), the person or body must provide the CHAI with such information, in such form, as the CHAI may require.
- (9) A fee payable by virtue of this section may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

Commencement Information

I25 S. 63 partly in force; s. 63 in force at Royal Assent for certain purposes, see s. 199(1)(4)

64 Reports and information

- (1) The CHAI must make copies of any report published by it under this Chapter available for inspection at its offices by any person at any reasonable time.
- (2) Any person who requests a copy of such a report is entitled to have one on payment of such reasonable fee (if any) as the CHAI considers appropriate.
- (3) The CHAI may charge a person such reasonable fee as it considers appropriate where it provides him, at his request, with any other information relevant to the discharge of the CHAI's functions under this Chapter.

Commencement Information

I26 S. 64 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

65 Co-operation between CHAI and the Audit Commission

The CHAI and the Audit Commission must co-operate with each other in relation to matters in respect of which both have functions.

Commencement Information

I27 S. 65 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

66 Right of entry

- (1) A person authorised to do so by the CHAI may, if the CHAI considers it necessary or expedient for the purposes of this Chapter, at any reasonable time enter and inspect—
 - (a) any premises owned or controlled by an NHS body;
 - (b) any other premises used, or proposed to be used, for any purpose connected with—
 - (i) the provision of health care by or for an NHS body, or
 - (ii) the discharge of any of the functions of an NHS body.
- (2) A person who proposes to exercise any power of entry or inspection conferred by this section must if so required produce some duly authenticated document showing his authority to exercise the power.

Modifications etc. (not altering text)

C4 S. 66 applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), [reg. 1\(1\)](#), [Sch. para. 7\(3\)](#)

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

Commencement Information

I28 S. 66 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

67 Right of entry: supplementary

- (1) A person authorised by virtue of section 66 to enter and inspect premises may, if he considers it necessary or expedient for the purposes of this Chapter—
- (a) inspect, take copies of and remove from the premises any documents or records (including personal records);
 - (b) inspect any other item and remove it from the premises;
 - (c) interview in private—
 - (i) any person working at the premises;
 - (ii) any person receiving health care there who consents to be interviewed; and
 - (d) make any other examination into the state and management of the premises and treatment of persons receiving health care there.
- (2) The power in subsection (1)(a) includes—
- (a) power to require any person holding or accountable for documents or records kept on the premises to produce them; and
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) A person authorised by virtue of subsection (1)(a) to inspect any records is entitled to have access to, and to 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.
- (4) A person authorised by virtue of section 66 to enter and inspect any premises may—
- (a) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under section 66 or this section; and
 - (b) take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (5) Any person who without reasonable excuse—
- (a) obstructs the exercise of any power conferred by section 66 or this section, or
 - (b) fails to comply with any requirement of section 66 or this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Modifications etc. (not altering text)

C5 S. 67 applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), **reg. 1(1)**, **Sch. para. 7(3)**

Commencement Information

I29 S. 67 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

68 Power to require documents and information etc

- (1) The CHAI may at any time require any person specified in subsection (2) to provide it with any information, documents, records (including personal records) or other items—
 - (a) which relates or relate to—
 - (i) the provision of health care by or for an NHS body, or
 - (ii) the discharge of any of the functions of an NHS body; and
 - (b) which the CHAI considers it necessary or expedient to have for the purposes of this Chapter.
- (2) The persons referred to in subsection (1) are—
 - (a) the NHS body;
 - (b) any person providing health care for, or exercising functions of, the NHS body;
 - (c) a local authority.
- (3) The power in subsection (1) to require the provision of records includes, in relation to records kept by means of a computer, power to require the provision of the records in legible form.
- (4) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I30 S. 68 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

69 Power to require explanation

- (1) The Secretary of State may by regulations make provision requiring prescribed persons to provide to the CHAI, or to persons authorised by it, an explanation of—
 - (a) any documents, records or items inspected, copied or provided under sections 66 to 68,
 - (b) any information provided under those sections, or
 - (c) any matters which are the subject of the exercise of any functions of the CHAI under this Chapter,
 in circumstances where the CHAI considers the explanation necessary or expedient for the purposes of this Chapter.
- (2) Regulations under subsection (1) may require explanations to be provided at such times and places as may be specified by the CHAI.
- (3) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I31 S. 69 partly in force; s. 69 in force at Royal Assent for certain purposes, see s. 199(1)(4)

Status: Point in time view as at 01/03/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3. (See end of Document for details)

[^{F8}69A Provision of information by Auditor General for Wales

The Auditor General for Wales must, on request, provide the CHAI with any information it may reasonably require for the purpose of making comparisons, in the exercise of its functions under sections 51, 52 and 57, between English NHS bodies and Welsh NHS bodies.]

Textual Amendments

F8 S. 69A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 2 para. 59](#); S.I. [2005/558](#), art. 2, Sch. 1

Status:

Point in time view as at 01/03/2007.

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 3.