



# Health Act 2006

## CHAPTER 28

### HEALTH ACT 2006

#### PART 1

#### SMOKING

#### CHAPTER 1

#### SMOKE-FREE PREMISES, PLACES AND VEHICLES

##### *Introduction*

1 Introduction

##### *Smoke-free premises, etc.*

- 2 Smoke-free premises
- 3 Smoke-free premises: exemptions
- 4 Additional smoke-free places
- 5 Vehicles

##### *No-smoking signs*

6 No-smoking signs

##### *Offences relating to smoking in smoke-free premises, etc.*

- 7 Offence of smoking in smoke-free place
- 8 Offence of failing to prevent smoking in smoke-free place

##### *Fixed penalties*

9 Fixed penalties

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### *Enforcement*

- 10 Enforcement
- 11 Obstruction etc. of officers

### *Interpretation, etc.*

- 12 Interpretation and territorial sea

## **CHAPTER 2**

### AGE FOR SALE OF TOBACCO ETC.

- 13 Power to amend age for sale of tobacco etc.

### **PART 2**

#### PREVENTION AND CONTROL OF HEALTH CARE ASSOCIATED INFECTIONS

- 14 Code of practice relating to health care associated infections
- 15 Code of practice: effects on existing functions of Commission for Healthcare Audit and Inspection
- 16 Code of practice: improvement notices

### **PART 3**

#### DRUGS, MEDICINES AND PHARMACIES

## **CHAPTER 1**

### SUPERVISION OF MANAGEMENT AND USE OF CONTROLLED DRUGS

- 17 Accountable officers and their responsibilities as to controlled drugs
- 18 Co-operation between health bodies and other organisations
- 19 Meaning of “relevant person” in section 18
- 20 Controlled drugs: power to enter and inspect
- 21 Offences in connection with power to enter and inspect
- 22 Guidance
- 23 Crown application
- 24 Relevant authorities
- 25 Interpretation

## **CHAPTER 2**

### MEDICINES AND PHARMACIES

- 26 Requirements about supervision
- 27 Control of pharmacy premises: individuals and partnerships
- 28 Control of pharmacy premises: bodies corporate
- 29 Control of pharmacy premises: representative of pharmacist in case of death or disability
- 30 The responsible pharmacist
- 31 Enforcement
- 32 Order-making powers
- 33 Orders under s.60 of the Health Act 1999

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## **PART 4**

### THE NATIONAL HEALTH SERVICE

#### **CHAPTER 1**

##### PHARMACEUTICAL SERVICES

- 34 Power to charge
- 35 Applications for provision of pharmaceutical services
- 36 Arrangements for dispensing of medicines

#### **CHAPTER 2**

##### OPHTHALMIC SERVICES

- 37 Provision of primary ophthalmic services
- 38 General ophthalmic services contracts
- 39 Persons performing primary ophthalmic services
- 40 Assistance and support
- 41 Local Optical Committees
- 42 Payments in respect of optical appliances
- 43 General ophthalmic services: transitional

#### **CHAPTER 3**

##### PROTECTION OF NHS FROM FRAUD AND OTHER UNLAWFUL ACTIVITIES

###### *Preliminary*

- 44 Compulsory disclosure of documents for purposes of counter fraud or security management functions
- 45 Meaning of “NHS body” etc.

###### *Disclosure notices*

- 46 Notice requiring production of documents
- 47 Production of documents
- 48 Delegation of functions
- 49 Code of practice relating to delegated functions
- 50 Disclosure of information
- 51 Protection of personal information disclosed for purposes of proceedings

###### *Offences*

- 52 Offences in connection with production of documents
- 53 Offences relating to disclosure or use of information

###### *Supplementary*

- 54 Manner in which disclosure notice may be served
- 55 Interpretation

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## CHAPTER 4

### AUDIT

56 Accounts and audit

### PART 5

#### APPOINTMENTS COMMISSION

##### *The Appointments Commission*

57 The Appointments Commission

##### *Delegation of appointment functions*

58 Commission to exercise Secretary of State's appointment functions  
59 Cases where appointment functions exercisable jointly etc.  
60 Commission to exercise Privy Council's appointment functions  
61 Commission to exercise Assembly's appointment functions  
62 Exercise of appointments functions

##### *Other functions*

63 Commission to assist other bodies with appointments  
64 Functions connected with appointments to bodies to which section 58 or 60 applies  
65 Prescribed functions

##### *Functions: supplementary*

66 Exercise of functions

##### *Reports etc.*

67 Annual reports  
68 Other reports and information

##### *Miscellaneous and supplementary*

69 Transfer of staff and property etc.  
70 Directions  
71 Interpretation

### PART 6

#### MISCELLANEOUS

##### *Social care bursary*

72 Exercise by Special Health Authority of social care training functions

##### *NHS costs recovery*

73 NHS costs recovery

##### *Transfer of criminal liabilities*

74 Transfer of criminal liabilities of certain NHS bodies

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*Local Health Boards and Welsh health authorities*

- 75 Amendments relating to Local Health Boards and abolition of Welsh health authorities

**PART 7**

FINAL PROVISIONS

*Offences*

- 76 Offences by bodies corporate etc.  
77 Offences committed by partnerships and other unincorporated associations  
78 Penalties for offences: transitional modification for England and Wales

*General*

- 79 Orders and regulations  
80 Amendments, repeals and revocations  
81 Expenses  
82 Interpretation  
83 Commencement  
84 Short title and extent

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**SCHEDULES**

SCHEDULE 1 — Fixed penalties

*Contents of penalty notice*

- 1 A penalty notice must— (a) state the alleged offence, and...  
2 (1) A penalty notice must also state—  
3 A penalty notice must also— (a) inform the person to...  
4 A penalty notice must be in a form specified in...

*Amount of penalty and period for payment*

- 5 The penalty is such amount as the Secretary of State...  
6 The period for payment of the penalty is the period...

*Discounted amount and period for payment*

- 7 (1) A discounted amount is payable instead of the amount...  
8 The discounted amount is such amount as the Secretary of...

*Effect of notice and payment*

- 9 (1) Proceedings for the offence in respect of which a...  
10 If the penalty is paid in accordance with the penalty...  
11 If the discounted amount is paid in accordance with the...  
12 If proceedings have been brought pursuant to a request under...  
13 In any proceedings, a certificate is evidence of the facts...

*Trial*

- 14 If the person to whom a penalty notice has been...

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15 Any request to be tried must be made—

*Withdrawal of notices*

16 (1) This paragraph applies if an enforcement authority considers that...

SCHEDULE 2 — Powers of entry, etc.

- 1 In this Schedule— “authorised officer” means authorised officer of an...
- 2 An authorised officer has the right to do any of...
- 3 An authorised officer may, if he considers it necessary for...
- 4 An authorised officer may make such purchases and secure the...
- 5 A person may not be required under paragraph 2 to...
- 6 (1) A justice of the peace may exercise the power...
- 7 An authorised officer entering any premises by virtue of paragraph...
- 8 If premises which an authorised officer is authorised to enter...
- 9 If by virtue of paragraph 2(d) an authorised officer takes...
- 10 If a direction of the appropriate national authority has effect...

SCHEDULE 3 — New Schedule 12B to 1977 Act

SCHEDULE 4 — The Appointments Commission: supplementary

*Status*

- 1 (1) The Commission is not to be regarded as the...

*The Board of the Commission*

- 2 The Commission is to consist of the following members—

*Chairman and non-executive members*

- 3 (1) The chairman and non-executive members are to be appointed...

*Chief executive*

- 4 (1) The chief executive is to be appointed by the...

*The executive members*

- 5 (1) The executive members are to be appointed by the...

*The vice-chairman*

- 6 The members of the Commission may appoint one of the...

*Terms of appointment: chairman and non-executive members*

- 7 (1) Regulations may make provision as to the terms on...

*Terms of appointment: chief executive and executive members*

- 8 (1) The Commission must determine— (a) the conditions of service...

*Committees: general*

- 9 (1) The Commission may appoint such committees and sub-committees as...

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### *The Health and Social Care Appointments Committee*

- 10 (1) There is to be a committee of the Commission...

#### *Proceedings*

- 11 (1) The Commission may make such provision as it thinks...  
12 On any occasion when both the chairman and the vice-chairman...  
13 The validity of any proceedings of the Commission, or any...  
14 The Public Bodies (Admission to Meetings) Act 1960 (c. 67)...

#### *Staff*

- 15 (1) The Commission may appoint such persons to be employees...  
16 (1) Employees of the Commission are to be appointed on...  
17 (1) The Commission may, to such extent as it determines,...

#### *Financing of Commission*

- 18 (1) The Secretary of State may make—  
19 The National Assembly for Wales may make such payments to...  
20 (1) The Secretary of State may make loans to the...  
21 (1) The Commission may charge for providing—

#### *Accounts*

- 22 (1) The Commission must keep accounts in such form as...

#### *Authentication of seal*

- 23 (1) The application of the Commission's seal must be authenticated...

SCHEDULE 5 — The Appointments Commission: list of statutory bodies

#### *LIST OF STATUTORY BODIES REFERRED TO IN SECTION 58(3)*

The Commission for Healthcare Audit and Inspection. The Commission for...

SCHEDULE 6 — The Appointments Commission: list of regulatory bodies

#### *LIST OF REGULATORY BODIES REFERRED TO IN SECTION 60(1)*

The General Chiropractic Council. The General Dental Council. The General...

SCHEDULE 7 — Transfer of staff and property etc. to Appointments Commission

#### *Interpretation*

- 1 In this Schedule— “the appointed day” means the day appointed...

#### *Transfer of staff*

- 2 (1) An employee's contract of employment has effect on and...

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*Transfer of property, rights and liabilities*

- 3 (1) By virtue of this paragraph the property, rights and...

*General*

- 4 Nothing in this Schedule affects the validity of anything done...

SCHEDULE 8 — Minor and consequential amendments

*Pharmacy Act 1954 (c. 61)*

- 1 The Pharmacy Act 1954 has effect subject to the following...  
2 In section 15 (appointment of additional members to the council...  
3 In Schedule 1 (statutory committee of the Pharmaceutical Society) omit...

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Part 2 of Schedule 1 to the House of...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 5 In Part 2 of Schedule 1 to the Northern Ireland...

*National Health Service Act 1977 (c. 49)*

- 6 The 1977 Act has effect subject to the following amendments....  
7 (1) Section 3 (services generally) is amended as follows.  
8 In section 15(1)(a) (duty of Health Authority in relation to...  
9 In section 18A(3) (provision of services etc. )—  
10 In section 19(1) (advisory committees for Wales) for paragraph (e)...  
11 In section 26 (supply of goods and services by Secretary...  
12 In section 38(1) (arrangements for general ophthalmic services)—  
13 (1) Section 39 (regulations as to section 38) is amended...  
14 In section 41(3)(d) (arrangements for pharmaceutical services) for “ophthalmic opticians”...  
15 In section 43D(1) (supplementary lists) at the end add “...  
16 In section 44(B2) (recognition of Local Optical Committees and Local...  
17 (1) Section 45A (Local Medical Committees) is amended as follows....  
18 In section 49F(1)(d) (disqualification of practitioners) for “ophthalmic opticians” substitute...  
19 In section 49H(1)(a) and (b) (fraud and unsuitability: supplementary) for...  
20 In section 49N(4)(b) (national disqualification) omit “(or, in the case...  
21 In section 72(5) (permission for use of facilities in private...  
22 In section 103(1)(a) (special arrangements as to payment of remuneration)...  
23 .....  
24 .....  
25 In Schedule 9A (the Family Health Services Appeal Authority), in...

*Medical Act 1983 (c. 54)*

- 26 In Schedule 1 to the Medical Act 1983 (the General...



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*Dentists Act 1984 (c. 24)*

27 (1) Schedule 1 to the Dentists Act 1984 (the General...

*Opticians Act 1989 (c. 44)*

28 In Schedule 1 to the Opticians Act 1989 (the General...

*National Health Service and Community Care Act 1990 (c. 19)*

29 (1) Section 4A of the National Health Service and Community...

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

30 In section 279(2) of the Trade Union and Labour Relations...

*Osteopaths Act 1993 (c. 21)*

31 In the Schedule to the Osteopaths Act 1993 (the General...

*Health Service Commissioners Act 1993 (c. 46)*

32 The Health Service Commissioners Act 1993 has effect subject to...

33 In section 2A(1) (health service providers subject to investigation)—

34 In section 6(5) (general health services and service committees) omit...

*Chiropractors Act 1994 (c. 17)*

35 In Schedule 1 to the Chiropractors Act 1994 (the General...

*National Health Service (Residual Liabilities) Act 1996 (c. 15)*

36 .....

*Employment Rights Act 1996 (c. 18)*

37 In section 43K(1)(ba) of the Employment Rights Act 1996 (extension...

*Pharmacists (Fitness to Practise) Act 1997 (c. 19)*

38 In the Schedule to the Pharmacists (Fitness to Practise) Act...

*Audit Commission Act 1998 (c. 18)*

39 The Audit Commission Act 1998 has effect subject to the...

40 In section 5(1)(a) (general duties of auditors in relation to...

41 In section 53(1) (interpretation) for the definition of “health service...

42 (1) Schedule 2 (accounts subject to audit) is amended as...

*Government of Wales Act 1998 (c. 38)*

43 In section 144(2) of the Government of Wales Act 1998...

*Government Resources and Accounts Act 2000 (c. 20)*

44 (1) Section 14 of the Government Resources and Accounts Act...

*Freedom of Information Act 2000 (c. 36)*

45 (1) Schedule 1 to the Freedom of Information Act 2000...

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*Health and Social Care Act 2001 (c. 15)*

46 In Schedule 1 to the Health and Social Care Act...

*Nursing and Midwifery Order 2001 (S.I. 2002/253)*

47 In Schedule 1 to the Nursing and Midwifery Order 2001...

*Health Professions Order 2001 (S.I. 2002/254)*

48 In Schedule 1 to the Health Professions Order 2001 (the...

*National Health Service Reform and Health Care Professions Act 2002 (c. 17)*

49 The National Health Service Reform and Health Care Professions Act...

50 In section 17(1) (entry and inspection of premises)—

51 . . . . .

52 In Schedule 7 (the Council for the Regulation of Health...

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

53 The 2003 Act has effect subject to the following amendments...

54 . . . . .

55 In section 150(7)(d) (liability to pay NHS charges) for sub-paragraph...

56 In section 187 (appointments to certain health and social care...

57 Omit section 188 (appointments to certain health and social care...

58 (1) In Schedule 6 (the Commission for Health Care Audit...

59 (1) In Schedule 7 (the Commission for Social Care Inspection:...

*General and Specialist Medical Practice (Education,  
Training and Qualifications) Order 2003 (S.I. 2003/1250)*

60 In Schedule 2 to the General and Specialist Medical Practice...

*Health Protection Agency Act 2004 (c. 17)*

61 In Schedule 1 to the Health Protection Agency Act 2004...

*Public Audit (Wales) Act 2004 (c. 23)*

62 In section 61(1) of the Public Audit (Wales) Act 2004...

SCHEDULE 9 — Repeals and revocations

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