

# HEALTH ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 4 Chapter 3

#### Protection of Nhs from Fraud and Other Unlawful Activities

##### *Section 48: Delegation of functions*

241. *Section 48* sets out that the appropriate national authority may direct a Special Health Authority to carry out its functions of serving and executing notices for the production of documents.
242. *Subsection (3)* provides that any such directions must be given in regulations.
243. *Subsection (4)* makes it clear that regulations may make further provision in connection with the Special Health Authority's exercise of functions which have been delegated to it under *subsection (1)*.
244. *Subsection (5)* explains that the regulations may, as well as making general provision about how the Special Health Authority is to exercise delegated functions, require authorised officers investigating fraud and security incidents or breaches to be appropriately trained. The regulations may also make provision for authorised officers investigating fraud and security breaches or incidents to seek specific authorisation before personal information is required.
245. *Subsection (6)* sets out that any direction under subsection (1) is to be treated as if it had been made under section 16D of the 1977 Act.