



Health Act 2006

2006 CHAPTER 28

PART 4

THE NATIONAL HEALTH SERVICE

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**
- (1) This Chapter confers power to require the production of documents in connection with the exercise of—
- (a) the appropriate national authority’s counter fraud functions in relation to the health service in England or (as the case may be) Wales, or
 - (b) the Secretary of State’s security management functions in relation to the health service in England.
- (2) The appropriate national authority’s “counter fraud functions” in relation to the health service in England or Wales means that authority’s power (by virtue of section 2(b) of the 1977 Act) to take action for the purpose of preventing, detecting or investigating fraud, corruption or other unlawful activities carried out against or otherwise affecting—
- (a) the health service in England or (as the case may be) Wales, or
 - (b) that authority in relation to the authority’s responsibilities for the health service in England or (as the case may be) Wales.
- (3) The Secretary of State’s “security management functions” in relation to the health service in England means the Secretary of State’s power (by virtue of section 2(b) of

Status: This is the original version (as it was originally enacted).

the 1977 Act) to take action for the purpose of protecting and improving the security of—

- (a) persons employed by the Secretary of State or an NHS body in the provision of services for the purposes of the health service in England (“English NHS services”);
- (b) health service providers and persons employed by them so far as they or (as the case may be) persons so employed are engaged in any activity directly related to the provision of English NHS services;
- (c) NHS contractors and persons employed by them so far as they or (as the case may be) persons so employed are engaged in any activity directly related to the provision of English NHS services;
- (d) persons not within paragraphs (a) to (c) who work in any capacity on premises used by the Secretary of State, an NHS body, a health service provider, or an NHS contractor, in connection with the provision of English NHS services;
- (e) persons on such premises—
 - (i) who are there for the purpose of receiving, or are receiving or have received, treatment or other services as patients, or
 - (ii) who are accompanying persons within sub-paragraph (i);
- (f) property and information used or held by the Secretary of State, an NHS body, a health service provider, or an NHS contractor, in connection with the provision of English NHS services.

(4) In this Chapter—

- (a) the appropriate national authority’s counter fraud functions in relation to the health service in England or (as the case may be) Wales, and
- (b) the Secretary of State’s security management functions in relation to the health service in England,

are collectively referred to as functions to which this Chapter applies.

(5) In this section “investigating” means investigating in relation to civil or criminal proceedings.