

# 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 44: Compulsory disclosure of documents for purposes of counter fraud or security management functions*

223. *Subsection (1)* sets out the general purpose of Chapter 3, which is to confer power to require the production of documents in connection with the appropriate national authority's counter fraud functions and the Secretary of State's security management functions. The appropriate national authority is defined in section 82 as the Secretary of State in relation to England and the National Assembly for Wales in relation to Wales.
224. *Subsection (2)* explains that the appropriate national authority's "counter fraud functions", which are derived from section 2(b) of the NHS Act 1977 ("the 1977 Act"), include the power to take action to prevent, detect or investigate fraud and corruption affecting the NHS in England or Wales.
225. *Subsection (3)* explains that the Secretary of State's "security management functions", which are also derived from section 2(b) of the 1977 Act, mean his powers to take action to protect and improve the security of the persons, property and information listed in paragraphs (a) to (f).