

*Status: Point in time view as at 26/05/2015.*

*Changes to legislation: National Health Service Act 2006, Cross Heading: Powers to require information etc. is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 2

#### HEALTH SERVICE BODIES

#### [<sup>F1</sup>CHAPTER A2

#### CLINICAL COMMISSIONING GROUPS

[<sup>F1</sup>[<sup>F2</sup>Powers to require information etc.]

#### Textual Amendments

- F1** Pt. 2 Ch. A2 inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 25\(1\), 306\(1\)\(d\)\(4\)](#) (with [Sch. 6 paras. 7-13](#)); [S.I. 2012/1831, art. 2\(2\)](#) (with [art. 5](#)); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))
- F2** Ss. 14P-14Z24 inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 26, 306\(1\)\(d\)\(4\)](#); [S.I. 2012/1831, art. 2\(2\)](#) (with [art. 6](#)); [S.I. 2012/2657, art. 2\(4\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))

#### 14Z17 Circumstances in which powers in sections 14Z18 and 14Z19 apply

- (1) Sections 14Z18 and 14Z19 apply where the Board has reason to believe—
- that the area of a clinical commissioning group is no longer appropriate, or
  - that a clinical commissioning group might have failed, might be failing or might fail to discharge any of its functions.
- (2) For the purposes of this section—
- a failure to discharge a function includes a failure to discharge it properly, and

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- (b) a failure to discharge a function properly includes a failure to discharge it consistently with what the Board considers to be the interests of the health service.

**Modifications etc. (not altering text)**

**C1** S. 14Z17(1) modified (1.10.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 6 para. 11\(2\)\(o\)](#); [S.I. 2012/1831](#), art. 2(2)

**14Z18 Power to require documents and information etc.**

- (1) Where this section applies, the Board may require a person mentioned in subsection (2) to provide to the Board any information, documents, records or other items that the Board considers it necessary or expedient to have for the purposes of any of its functions in relation to the clinical commissioning group.
- (2) The persons mentioned in this subsection are—
  - (a) the clinical commissioning group if it has possession or control of the item in question;
  - (b) any member or employee of the group who has possession or control of the item in question.
- (3) A person must comply with a requirement imposed under subsection (1).
- (4) The power conferred by subsection (1) includes power to require that any information, documents or records kept by means of a computer be provided in legible form.
- (5) The power conferred by subsection (1) does not include power to require the provision of personal records.
- (6) In subsection (5), “personal records” has the meaning given by section 12 of the Police and Criminal Evidence Act 1984.

**14Z19 Power to require explanation**

- (1) Where this section applies, the Board may require the clinical commissioning group to provide it with an explanation of any matter which relates to the exercise by the group of any of its functions, including an explanation of how the group is proposing to exercise any of its functions.
- (2) The Board may require the explanation to be given—
  - (a) orally at such time and place as the Board may specify, or
  - (b) in writing.
- (3) The clinical commissioning group must comply with a requirement imposed under subsection (1).

**Modifications etc. (not altering text)**

**C2** S. 14Z19(1) modified (1.10.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 6 para. 11\(2\)\(o\)](#); [S.I. 2012/1831](#), art. 2(2)

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## **14Z20 Use of information**

Any information, documents, records or other items that are obtained by the Board in pursuance of section 14Z18 or 14Z19 may be used by the Board in connection with any of its functions in relation to clinical commissioning groups.]]

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