



Health and Care Act 2022

2022 CHAPTER 31

PART 4

THE HEALTH SERVICES SAFETY INVESTIGATIONS BODY

Investigatory powers etc

119 Powers to require information etc

- (1) An investigator may by notice require any person—
 - (a) to attend at a specified time and place and to provide information by answering questions;
 - (b) to provide specified information, or information of a specified description, by a specified date;
 - (c) to provide specified documents, equipment or items, or documents, equipment or items of a specified description, by a specified date.
- (2) An investigator may give a person a notice only if the investigator reasonably believes that—
 - (a) in the case of a requirement under subsection (1)(a), the person is able to provide information which is necessary for the purposes of an investigation;
 - (b) in the case of a requirement under subsection (1)(b)—
 - (i) it is necessary to obtain the information for the purposes of an investigation, and
 - (ii) the person is able to provide it;
 - (c) in the case of a requirement under subsection (1)(c)—
 - (i) it is necessary to obtain the document, equipment or other item for the purposes of the HSSIB's investigation function, and
 - (ii) the person is able to provide it.
- (3) But a person is not required by virtue of subsection (1) to provide any information, document, equipment or other item where—

Status: Point in time view as at 01/10/2023.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 119. (See end of Document for details)

- (a) its provision would risk the safety of any patient,
 - (b) its provision might incriminate the person, or
 - (c) in the case of information or a document, the person would be entitled to refuse to provide it in any proceedings in any court on the grounds that it is the subject of legal professional privilege.
- (4) A notice must—
- (a) specify the grounds for the investigator believing the matters in subsection (2),
 - (b) give an explanation of the consequences of failing to comply with the notice (see section 121), and
 - (c) attach evidence of the investigator’s authority from the HSSIB to exercise the powers conferred by this section.
- (5) If a notice requires a person to provide anything which is kept in electronic form, the notice may require it to be provided in a form in which it is legible.
- (6) An investigator may withdraw a notice under subsection (1) by giving notice of withdrawal to the person to whom the notice was given.
- (7) Where any document, equipment or other item is provided to an investigator pursuant to a notice, it may be retained by the HSSIB for so long as is necessary for the purposes of the HSSIB’s investigation function, unless its retention would risk the safety of any patient.
- (8) Where a person attends to answer questions pursuant to a notice under subsection (1) (a), the HSSIB—
- (a) must reimburse the person the reasonable costs incurred in attending;
 - (b) may record, by any means, the answers given.
- (9) In this section “specified” means specified in the notice.

Commencement Information

- I1** S. 119 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** [S. 119](#) in force at 1.10.2023 by [S.I. 2023/1035](#), [reg. 2\(a\)](#)

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