
WELSH STATUTORY INSTRUMENTS

2003 No. 993

**Commission For Health Improvement
(Functions) (Wales) Regulations 2003**

PART VI

RIGHTS OF ENTRY AND OBTAINING INFORMATION

Obtaining information and explanations

17.—(1) Subject to regulation 19, in conducting a clinical governance review, a general review or an investigation the Commission or a person authorised by the Commission under regulation 16(1) may require a person to which paragraph (5) applies to produce any documents or information which appear to the Commission, or to the person authorised, to be necessary for the purposes of the review or investigation in question.

(2) Subject to regulation 19, in conducting a clinical governance review, a general review or an investigation the Commission or a person authorised by the Commission may, if it or he thinks it necessary, require a person to which paragraph (5) applies to give the Commission or, as the case may be, the person authorised an explanation of—

- (a) any matters which are the subject of the review or investigation; or
- (b) any documents or information inspected, copied or produced under paragraph (1) or regulation 16(5).

(3) The Commission may, if it considers it necessary require a person required to—

- (a) produce documents or information under paragraph (1); or
- (b) give an explanation under paragraph (2),

to attend before the Commission or a person authorised by the Commission under regulation 16(1) in person to produce the documents or information or give the explanation.

(4) The Commission or a person authorised under regulation 16(1) may not require a person to attend in person in accordance with paragraph (3) unless reasonable notice of the intended date of attendance has been given to that person.

(5) The person referred to in paragraphs (1) and (2) are—

- (a) an NHS body;
- (b) a chairman, member, director or employee of an NHS body, or any other person acting on behalf of such a body;
- (c) a member of a committee or sub-committee of an NHS body;
- (d) a service provider;
- (e) an employee of a service provider, or any other person acting on behalf of such a provider;
- (f) a person who provides or assists in the provision of, or is a member or an employee of a person or body who provides or assists in the provision of, services under the 1977 Act, or

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in connection with a pilot scheme under the 1997 Act, in accordance with a contract made with an NHS body, a service provider or a person to which sub-paragraph (g) applies;

- (g) a local authority which provides, or a person employed by local authority to provide, services under the 1977 Act, or in connection with a pilot scheme under the 1997 Act, in accordance with arrangements made by virtue of section 31(1) of the Act.