



Health Act 2006

CHAPTER 28

HEALTH ACT 2006

PART 1

SMOKING

CHAPTER 1

SMOKE-FREE PREMISES, PLACES AND VEHICLES

Introduction

1 Introduction

Smoke-free premises, etc.

- 2 Smoke-free premises
- 3 Smoke-free premises: exemptions
- 4 Additional smoke-free places
- 5 Vehicles

No-smoking signs

6 No-smoking signs

Offences relating to smoking in smoke-free premises, etc.

- 7 Offence of smoking in smoke-free place
- 8 Offence of failing to prevent smoking in smoke-free place

Fixed penalties

9 Fixed penalties

Status: This is the original version (as it was originally enacted).

Enforcement

- 10 Enforcement
- 11 Obstruction etc. of officers

Interpretation, etc.

- 12 Interpretation and territorial sea

CHAPTER 2

AGE FOR SALE OF TOBACCO ETC.

- 13 Power to amend age for sale of tobacco etc.

PART 2

PREVENTION AND CONTROL OF HEALTH CARE ASSOCIATED INFECTIONS

- 14 Code of practice relating to health care associated infections
- 15 Code of practice: effects on existing functions of Commission for Healthcare Audit and Inspection
- 16 Code of practice: improvement notices

PART 3

DRUGS, MEDICINES AND PHARMACIES

CHAPTER 1

SUPERVISION OF MANAGEMENT AND USE OF CONTROLLED DRUGS

- 17 Accountable officers and their responsibilities as to controlled drugs
- 18 Co-operation between health bodies and other organisations
- 19 Meaning of “relevant person” in section 18
- 20 Controlled drugs: power to enter and inspect
- 21 Offences in connection with power to enter and inspect
- 22 Guidance
- 23 Crown application
- 24 Relevant authorities
- 25 Interpretation

CHAPTER 2

MEDICINES AND PHARMACIES

- 26 Requirements about supervision
- 27 Control of pharmacy premises: individuals and partnerships
- 28 Control of pharmacy premises: bodies corporate
- 29 Control of pharmacy premises: representative of pharmacist in case of death or disability
- 30 The responsible pharmacist
- 31 Enforcement
- 32 Order-making powers
- 33 Orders under s.60 of the Health Act 1999

PART 4

THE NATIONAL HEALTH SERVICE

CHAPTER 1

PHARMACEUTICAL SERVICES

- 34 Power to charge
- 35 Applications for provision of pharmaceutical services
- 36 Arrangements for dispensing of medicines

CHAPTER 2

OPHTHALMIC SERVICES

- 37 Provision of primary ophthalmic services
- 38 General ophthalmic services contracts
- 39 Persons performing primary ophthalmic services
- 40 Assistance and support
- 41 Local Optical Committees
- 42 Payments in respect of optical appliances
- 43 General ophthalmic services: transitional

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
- 45 Meaning of “NHS body” etc.

Disclosure notices

- 46 Notice requiring production of documents
- 47 Production of documents
- 48 Delegation of functions
- 49 Code of practice relating to delegated functions
- 50 Disclosure of information
- 51 Protection of personal information disclosed for purposes of proceedings

Offences

- 52 Offences in connection with production of documents
- 53 Offences relating to disclosure or use of information

Supplementary

- 54 Manner in which disclosure notice may be served
- 55 Interpretation

CHAPTER 4

AUDIT

56 Accounts and audit

PART 5

APPOINTMENTS COMMISSION

The Appointments Commission

57 The Appointments Commission

Delegation of appointment functions

58 Commission to exercise Secretary of State's appointment functions

59 Cases where appointment functions exercisable jointly etc.

60 Commission to exercise Privy Council's appointment functions

61 Commission to exercise Assembly's appointment functions

62 Exercise of appointments functions

Other functions

63 Commission to assist other bodies with appointments

64 Functions connected with appointments to bodies to which section 58 or 60 applies

65 Prescribed functions

Functions: supplementary

66 Exercise of functions

Reports etc.

67 Annual reports

68 Other reports and information

Miscellaneous and supplementary

69 Transfer of staff and property etc.

70 Directions

71 Interpretation

PART 6

MISCELLANEOUS

Social care bursary

72 Exercise by Special Health Authority of social care training functions

NHS costs recovery

73 NHS costs recovery

Transfer of criminal liabilities

74 Transfer of criminal liabilities of certain NHS bodies

Local Health Boards and Welsh health authorities

- 75 Amendments relating to Local Health Boards and abolition of Welsh health authorities

PART 7

FINAL PROVISIONS

Offences

- 76 Offences by bodies corporate etc.
77 Offences committed by partnerships and other unincorporated associations
78 Penalties for offences: transitional modification for England and Wales

General

- 79 Orders and regulations
80 Amendments, repeals and revocations
81 Expenses
82 Interpretation
83 Commencement
84 Short title and extent

SCHEDULES

SCHEDULE 1 — Fixed penalties

- 1 Contents of penalty notice
2 (1) A penalty notice must also state—
3 A penalty notice must also— (a) inform the person to...
4 A penalty notice must be in a form specified in...
5 Amount of penalty and period for payment
6 The period for payment of the penalty is the period...
7 Discounted amount and period for payment
8 The discounted amount is such amount as the Secretary of...
9 Effect of notice and payment
10 If the penalty is paid in accordance with the penalty...
11 If the discounted amount is paid in accordance with the...
12 If proceedings have been brought pursuant to a request under...
13 In any proceedings, a certificate is evidence of the facts...
14 Trial
15 Any request to be tried must be made—
16 Withdrawal of notices

SCHEDULE 2 — Powers of entry, etc.

- 1 In this Schedule— “authorised officer” means authorised officer of an...
2 An authorised officer has the right to do any of...
3 An authorised officer may, if he considers it necessary for...
4 An authorised officer may make such purchases and secure the...
5 A person may not be required under paragraph 2 to...
6 (1) A justice of the peace may exercise the power...
7 An authorised officer entering any premises by virtue of paragraph...
8 If premises which an authorised officer is authorised to enter...

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

- 9 If by virtue of paragraph 2(d) an authorised officer takes...
- 10 If a direction of the appropriate national authority has effect...

SCHEDULE 3 — New Schedule 12B to 1977 Act

SCHEDULE 4 — The Appointments Commission: supplementary

- 1 Status
- 2 The Board of the Commission
- 3 Chairman and non-executive members
- 4 Chief executive
- 5 The executive members
- 6 The vice-chairman
- 7 Terms of appointment: chairman and non-executive members
- 8 Terms of appointment: chief executive and executive members
- 9 Committees: general
- 10 The Health and Social Care Appointments Committee
- 11 Proceedings
- 12 On any occasion when both the chairman and the vice-chairman...
- 13 The validity of any proceedings of the Commission, or any...
- 14 The Public Bodies (Admission to Meetings) Act 1960 (c. 67)...
- 15 Staff
- 16 (1) Employees of the Commission are to be appointed on...
- 17 (1) The Commission may, to such extent as it determines,...
- 18 Financing of Commission
- 19 The National Assembly for Wales may make such payments to...
- 20 (1) The Secretary of State may make loans to the...
- 21 (1) The Commission may charge for providing—
- 22 Accounts
- 23 Authentication of seal

SCHEDULE 5 — The Appointments Commission: list of statutory bodies

LIST OF STATUTORY BODIES REFERRED TO IN SECTION 58(3)

SCHEDULE 6 — The Appointments Commission: list of regulatory bodies

LIST OF REGULATORY BODIES REFERRED TO IN SECTION 60(1)

SCHEDULE 7 — Transfer of staff and property etc. to Appointments Commission

- 1 Interpretation
- 2 Transfer of staff
- 3 Transfer of property, rights and liabilities
- 4 General

SCHEDULE 8 — Minor and consequential amendments

- 1 Pharmacy Act 1954 (c. 61)
- 2 In section 15 (appointment of additional members to the council...
- 3 In Schedule 1 (statutory committee of the Pharmaceutical Society) omit...
- 4 House of Commons Disqualification Act 1975 (c. 24)
- 5 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 6 National Health Service Act 1977 (c. 49)
- 7 (1) Section 3 (services generally) is amended as follows.

- 8 In section 15(1)(a) (duty of Health Authority in relation to...
- 9 In section 18A(3) (provision of services etc.)—
- 10 In section 19(1) (advisory committees for Wales) for paragraph (e)...
- 11 In section 26 (supply of goods and services by Secretary...
- 12 In section 38(1) (arrangements for general ophthalmic services)—
- 13 (1) Section 39 (regulations as to section 38) is amended...
- 14 In section 41(3)(d) (arrangements for pharmaceutical services) for
“ophthalmic opticians”...
- 15 In section 43D(1) (supplementary lists) at the end add “(but...
- 16 In section 44(B2) (recognition of Local Optical Committees and Local...
- 17 (1) Section 45A (Local Medical Committees) is amended as follows....
- 18 In section 49F(1)(d) (disqualification of practitioners) for “ophthalmic
opticians” substitute...
- 19 In section 49H(1)(a) and (b) (fraud and unsuitability: supplementary)
for...
- 20 In section 49N(4)(b) (national disqualification) omit “(or, in the case...
- 21 In section 72(5) (permission for use of facilities in private...
- 22 In section 103(1)(a) (special arrangements as to payment of
remuneration)...
- 23 In section 126(4) (orders and regulations, and directions) for “or...
- 24 In section 128(1) (interpretation and construction)— (a) at the
appropriate...
- 25 In Schedule 9A (the Family Health Services Appeal Authority), in...
- 26 Medical Act 1983 (c. 54)
- 27 Dentists Act 1984 (c. 24)
- 28 Opticians Act 1989 (c. 44)
- 29 National Health Service and Community Care Act 1990 (c. 19)
- 30 Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
- 31 Osteopaths Act 1993 (c. 21)
- 32 Health Service Commissioners Act 1993 (c. 46)
- 33 In section 2A(1) (health service providers subject to investigation)—
- 34 In section 6(5) (general health services and service committees) omit...
- 35 Chiropractors Act 1994 (c. 17)
- 36 National Health Service (Residual Liabilities) Act 1996 (c. 15)
- 37 Employment Rights Act 1996 (c. 18)
- 38 Pharmacists (Fitness to Practise) Act 1997 (c. 19)
- 39 Audit Commission Act 1998 (c. 18)
- 40 In section 5(1)(a) (general duties of auditors in relation to...
- 41 In section 53(1) (interpretation) for the definition of “health service...
- 42 (1) Schedule 2 (accounts subject to audit) is amended as...
- 43 Government of Wales Act 1998 (c. 38)
- 44 Government Resources and Accounts Act 2000 (c. 20)
- 45 Freedom of Information Act 2000 (c. 36)
- 46 Health and Social Care Act 2001 (c. 15)
- 47 Nursing and Midwifery Order 2001 (S.I. 2002/253)
- 48 Health Professions Order 2001 (S.I. 2002/254)
- 49 National Health Service Reform and Health Care Professions Act 2002
(c. 17)
- 50 In section 17(1) (entry and inspection of premises)—
- 51 In Schedule 6 (the Commission for Patient and Public Involvement...
- 52 In Schedule 7 (the Council for the Regulation of Health...
- 53 Health and Social Care (Community Health and Standards) Act 2003
(c. 43)

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

- 54 In section 7(5) (continuity of bodies which become NHS foundation...
- 55 In section 150(7)(d) (liability to pay NHS charges) for sub-paragraph...
- 56 In section 187 (appointments to certain health and social care...
- 57 Omit section 188 (appointments to certain health and social care...
- 58 (1) In Schedule 6 (the Commission for Health Care Audit...
- 59 (1) In Schedule 7 (the Commission for Social Care Inspection:...
- 60 General and Specialist Medical Practice (Education, Training and
Qualifications) Order 2003 (S.I. 2003/1250)
- 61 Health Protection Agency Act 2004 (c. 17)
- 62 Public Audit (Wales) Act 2004 (c. 23)

SCHEDULE 9 — Repeals and revocations