

EXPLANATORY NOTES

HEALTH ACT 2006

INTRODUCTION

SUMMARY AND BACKGROUND

OVERVIEW OF THE STRUCTURE OF THE ACT

PART 1

PART 2

PART 3

PART 4

PART 5

PART 6

PART 7

TERRITORIAL EXTENT

TERRITORIAL APPLICATION: WALES

COMMENTARY ON SECTIONS

PART 1 - SMOKING

Chapter 1 - Smoke-Free Premises, Places and Vehicles

Section 1: Introduction

Section 2: Smoke-free premises

Section 3: Smoke-free premises: exemptions

Section 4: Additional smoke-free places

Section 5: Vehicles

Section 6: No-smoking signs

Section 7: Offence of smoking in smoke-free place

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

Section 9: Fixed penalties

Schedule 1

Section 10: Enforcement

Schedule 2

Section 11: Obstruction etc. of officers

Section 12: Interpretation and territorial sea

PART 1 CHAPTER 2 AGE FOR SALE OF TOBACCO ETC.

Section 13: Power to amend age for sale of tobacco etc

PART 2 PREVENTION AND CONTROL OF HEALTH CARE ASSOCIATED INFECTIONS

Section 14: Code of practice relating to health care associated infections

Section 15: Code of practice: effects on existing functions of Commission for Healthcare Audit and Inspection

Section 16: Code of practice: improvement notices

PART 3 DRUGS, MEDICINES AND PHARMACIES

PART 3 CHAPTER 1 SUPERVISION OF MANAGEMENT AND USE OF CONTROLLED DRUGS

Section 17: Accountable officers and their responsibilities as to controlled drugs

Section 18: Co-operation between health bodies and other organisations

Section 19: Meaning of “relevant person in section 18

Section 20: Controlled drugs: power to enter and inspect

Section 21: Offences in connection with power to enter and inspect

Section 22 Guidance

Section 23: Crown application

Section 24 Relevant authorities

Section 25 Interpretation

PART 3 CHAPTER 2 MEDICINES AND PHARMACIES

Section 26: Requirements about supervision

Sections 27 to 30: Pharmacy premises

Section 27: Control of pharmacy premises: individuals and partnerships

Section 28: Control of pharmacy premises: bodies corporate

Section 29: Control of pharmacy premises: representative of pharmacist in case of death or disability

Section 30: The responsible pharmacist

Section 31: Enforcement

Section 32: Order-making powers

Section 33: Orders under section 60 of the Health Act 1999

PART 4 THE NATIONAL HEALTH SERVICE

PART 4 CHAPTER 1

Pharmaceutical Services

Section 34: Power to charge

Section 35: Applications for provision of pharmaceutical services

Section 36: Arrangements for dispensing of medicines

PART 4 CHAPTER 2

Ophthalmic Services

Section 37: Provision of primary ophthalmic services

Section 38: General ophthalmic services contracts

General ophthalmic services contracts: introductory

Persons eligible to enter into GOS contracts

Exclusion of contractors

General Ophthalmic Services contracts: payments

General Ophthalmic Services contracts: other required terms

General Ophthalmic services contracts: disputes and enforcement

Section 39 Persons performing primary ophthalmic services

Section 40 Assistance and support

Section 41 Local Optical Committees

Section 42 Payments in respect of optical appliances

Section 43 General ophthalmic services: transitional

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

Section 45: Meaning of “NHS body” etc.

Section 46: Notice requiring production of documents

Section 47: Production of documents

Section 48: Delegation of functions

Section 49: Code of practice relating to delegated functions

Section 50: Disclosure of information

Section 51: Protection of personal information disclosed for purposes of proceedings

Section 52: Offences in connection with production of documents

Section 53: Offences relating to disclosure or use of information

Section 54: Manner in which disclosure notice may be served

Section 55: Interpretation

PART 4 CHAPTER 4

Audit

Section 56: Accounts and audit

PART 5 APPOINTMENTS COMMISSION

Section 57: The Appointments Commission

Section 58: Commission to exercise Secretary of State’s appointment functions

Section 59: Cases where appointment functions exercisable jointly etc

Section 60: Commission to exercise Privy Council’s appointment functions

Section 61: Commission to exercise Assembly’s appointment functions

Section 62: Exercise of appointments functions

Section 63: Commission to assist other bodies with appointments

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

Section 65: Prescribed functions

Section 66: Exercise of functions

Section 67: Annual reports

Section 68: Other reports and information

Section 69: Transfer of staff and property etc

Section 70: Directions

Section 71: Interpretation

PART 6 MISCELLANEOUS SOCIAL CARE BURSARY

Section 72: Exercise by Special Health Authority of social care training functions

NHS COSTS RECOVERY

Section 73: NHS Costs Recovery

TRANSFER OF CRIMINAL LIABILITY

Section 74: Transfer of criminal liabilities of certain NHS bodies

LOCAL HEALTH BOARDS AND WELSH HEALTH AUTHORITIES

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

PART 7 FINAL PROVISIONS

Section 76: Offences by bodies corporate etc.

Section 77: Offences committed by partnerships and other unincorporated associations

Section 78: Penalties for offences: transitional modification for England and Wales

Section 79: Orders and regulations

Section 80: Amendments, repeals and revocations

Section 81: Expenses

Section 82: Interpretation

Section 83: Commencement

Section 84: Short title and extent

COMMENCEMENT DATE

Hansard References