



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Powers of entry etc.

63 Entry and inspection: supplementary

- (1) This section applies where a person (“A”) is authorised by virtue of section 62 to enter and inspect premises.
- (2) If A considers it necessary or expedient for relevant purposes, A may—
 - (a) make any examination into the state and management of the premises or the treatment of persons receiving care there,
 - (b) inspect and take copies of any documents or records,
 - (c) have access to, and check the operation of, any computer, and any associated apparatus or material, which is or has been in use in connection with any documents or records,
 - (d) inspect any other item,
 - (e) seize and remove from the premises any documents, records or other items,
 - (f) interview in private—
 - (i) any person who carries on or manages a regulated activity, or who manages the provision of NHS care or adult social services, at the premises,
 - (ii) any person working at the premises, and

Status: This is the original version (as it was originally enacted).

- (iii) any person receiving care at the premises who consents to be interviewed, and
 - (g) if the conditions in subsection (3) are met, examine in private any person receiving care at the premises.
- (3) The conditions are—
- (a) A is a registered medical practitioner or registered nurse,
 - (b) A has reason to believe that the person to be examined is not receiving proper care at the premises, and
 - (c) the person to be examined—
 - (i) is capable of giving consent to the examination and does so, or
 - (ii) is incapable of giving consent to the examination.
- (4) The power under subsection (2)(b) includes power—
- (a) to require any person holding or accountable for documents or records (whether or not kept at the premises) to produce them for inspection at the premises, and
 - (b) to require any records which are kept by means of a computer to be produced in a form in which they are legible and can be taken away.
- (5) The power under subsection (2)(f)(i) to interview a person in private includes power, in the case of a body corporate, to interview in private—
- (a) any director, manager, secretary or other similar officer of the body corporate, and
 - (b) where the body is an English NHS body or English local authority, any officer or member of the NHS body or local authority.
- (6) A may—
- (a) require any person to afford A such facilities and assistance with respect to matters within the person’s control as are necessary to enable A to exercise powers under section 62 and this section, and
 - (b) take such measurements and photographs, and make such recordings, as A considers necessary to enable A to exercise those powers.
- (7) A person who without reasonable excuse—
- (a) obstructs the exercise of a power conferred by section 62 or this section, or
 - (b) fails to comply with a requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) In this section—
- (a) “relevant purposes” means the purposes of any of the Commission’s regulatory functions,
 - (b) any reference to documents or records includes a reference to personal and medical records, and
 - (c) any reference to a person receiving care at premises includes a reference to a person who is accommodated there.