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STATUTORY INSTRUMENTS

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**2013 No. 218**

**The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013**

**PART 4**

**HEALTH SCRUTINY BY LOCAL AUTHORITIES**

**Obtaining information and explanations**

**27.**—(1) Subject to paragraph (5), a local authority may require any member<sup>(1)</sup> or employee<sup>(2)</sup> of a responsible person to attend before the authority to answer such questions as appear to the authority to be necessary for discharging its relevant functions.

(2) Subject to paragraphs (3) and (4), it is the duty of any such member or employee to comply with any such requirement.

(3) The local authority may not require a person to attend in accordance with paragraph (1) unless reasonable notice of the intended date of attendance has been given to that person.

(4) Nothing in paragraph (1) requires any person to answer any question put to that person by the local authority—

- (a) to the extent that the answer requires the provision of information of a type specified in regulation 26(3) (unless within an exception under regulation 26(4) or (5)); or
- (b) if that person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

(5) A local authority may not require a member or employee of a responsible person to attend before it to answer questions in relation to—

- (a) a trust special administrator's report or draft report under sections 65F or 65I of the 2006 Act;
- (b) a health special administration order under section 128 of the 2012 Act, or recommendations by a health special administrator on the action which should be taken in relation to a company subject to such an order.

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(1) See section 244(3A) and (3B) of the 2006 Act for the meaning of "member". Subsections (3A) and (3B) were inserted by section 190(1) and (5) of the 2012 Act.

(2) See section 244(3B) as to an employee of a body which is a member of a clinical commissioning group or relevant health service provider.