National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART III

COMMUNITY CARE: ENGLAND AND WALES

General provisions concerning community care services

48 Inspection of premises used for provision of community care services.

(1) Any person authorised by the Secretary of State may at any reasonable time enter and inspect any premises **[**[F1](other than regulated premises)**]** in which **[**[F2]services under section 117 of the Mental Health Act 1983, or services under Part 1 of the Care Act 2014 to meet adults' needs for care and support, are or are proposed to be provided by a local authority in England, or**][**[F3]services under Part 4 of the Social Services and Well-being (Wales) Act 2014**]** are or are proposed to be provided by a local authority **[**[F4]in Wales**]**, whether directly or under arrangements made with another person.

[[F5](1A) In subsection (1) " regulated premises " means—

(a) in relation to England, premises used for the carrying on of a regulated activity within the meaning of Part 1 of the Health and Social Care Act 2008 by a person who is registered under Chapter 2 of that Part in respect of the activity; and

(b) in relation to Wales, premises in respect of which a person is registered under Part 2 of the Care Standards Act 2000 **[**[F6]or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)**].]**

(2) Any person inspecting any premises under this section may—

(a) make such examination into the state and management of the premises and the facilities and services provided therein as he thinks fit;

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(b) inspect any records (in whatever form they are held) relating to the premises, or any person for whom **[**[F7]services mentioned in subsection (1)**]** have been or are to be provided there; and

(c) require the owner of, or any person employed in, the premises to furnish him with such information as he may request.

(3) Any person exercising the power to inspect records conferred by subsection (2)(b) above—

(a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been so used; or

(ii) any person having charge of or otherwise concerned with the operation of the computer, apparatus or material,

to give him such reasonable assistance as he may require.

(4) Any person inspecting any premises under this section—

(a) may interview any person residing there in private—

(i) for the purpose of investigating any complaint as to those premises or the **[**[F8]services mentioned in subsection (1) that are**]** provided there, or

(ii) if he has reason to believe that **[**[F9]any of those services**]** being provided there for that person are not satisfactory; and

(b) may examine any such person in private.

(5) No person may—

(a) exercise the power conferred by subsection (2)(b) above so as to inspect medical records; or

(b) exercise the power conferred by subsection (4)(b) above,

unless he is a registered medical practitioner and, in the case of the power conferred by subsection (2)(b) above, the records relate to medical treatment given at the premises in question.

(6) Any person exercising the power of entry under subsection (1) above shall, if so required, produce some duly authenticated document showing his authority to do so.

(7) Any person who intentionally obstructs another in the exercise of that power shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) In this section "local authority" **[**[F10]has the same meaning as in section 47**]**.

Textual Amendments

F1 Words in s. 48(1) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 8(a)**

F2 Words in s. 48(1) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 52(2)(a)** (with arts. 1(3), 3)

F3 Words in s. 48(1) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **127(a)**

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F4 Words in s. 48(1) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 52(2)(b)** (with arts. 1(3), 3)

F5 S. 48(1A) inserted {1.10.2010} by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 8(b)**

F6 Words in s. 48(1A)(b) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), regs. 2(1), **15**

F7 Words in s. 48(2)(b) substituted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 52(3)** (with arts. 1(3), 3)

F8 Words in s. 48(4)(a)(i) substituted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 52(4)** (with arts. 1(3), 3)

F9 Words in s. 48(4)(a)(ii) substituted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 52(5)** (with arts. 1(3), 3)

F10 Words in s. 48(8) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **127(b)**

Commencement Information

I1 S. 48 wholly in force at 1.4.1991 see s. 67(2) and S.I. 1990/2218, art. 2, **Sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 4A(1)(c) and word added by S.I. 2006/1056 Sch. para. 5(a)(ii) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))