



# National Health Service Reform and Health Care Professions Act 2002

## 2002 CHAPTER 17

### PART 1

#### NATIONAL HEALTH SERVICE, ETC

#### *Quality*

### 13 Commission for Health Improvement: inspections and investigations

(1) In section 20 of the 1999 Act (functions of the Commission for Health Improvement)

(a) in subsection (1), after the paragraph (da) inserted by section 12 there is inserted—

“(db) the function of carrying out inspections of NHS bodies and service providers, and persons who provide or are to provide health care for which NHS bodies or service providers have responsibility, and making reports on the inspections, and”,  
and

(b) after the subsections (1A) and (1B) inserted by section 12 there is inserted—

“(1C) The inspections referred to in paragraph (db) of subsection (1) are to be carried out only in connection with the function referred to in paragraph (d) of that subsection.

(1D) If after carrying out—

- (a) a review under subsection (1)(b),
- (b) an investigation under subsection (1)(c),
- (c) any function equivalent to one referred to in paragraph (a) or (b) prescribed under subsection (1)(e), or
- (d) an inspection under subsection (1)(db),

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*Status: This is the original version (as it was originally enacted).*

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the Commission is of the view referred to in subsection (1E) as to a body, service provider or other person reviewed, investigated or inspected (taking account, if appropriate, of any other relevant information the Commission may have), the Commission must make a report of its view to the Secretary of State.

(1E) The view referred to is that—

- (a) the health care for which the body or service provider in question has responsibility is of unacceptably poor quality (whether generally or in particular areas), or
- (b) there are significant failings in the way the body, service provider or other person is being run (including, where the service provider or other person is an individual, the way his practice is being run).

(1F) In its report, the Commission may recommend to the Secretary of State that he take special measures in relation to the body or service provider in question with a view to improving the health care for which it is responsible or the way the body, service provider or other person (or, as mentioned in subsection (1E)(b), his practice) is being run.

(1G) The report must give the Commission’s reasons for its view, and for any recommendation under subsection (1F).”

(2) In section 23 of that Act (powers of the Commission to obtain information)—

- (a) in subsection (1)(a), for “NHS premises” there is substituted “relevant premises”,
- (b) in subsection (2)(d), after “section 20(1)(c)” there is inserted “, (d) or (db), or any functions equivalent to those under section 20(1)(c) prescribed under section 20(1)(e)”, and
- (c) in subsection (6)—
  - (i) the definition of “NHS premises” is omitted, and
  - (ii) after the definition of “prescribed” there is inserted—

““relevant premises” means—

- (a) premises owned or controlled by an NHS body,
- (b) premises owned or controlled by a Local Health Board,
- (c) premises owned or controlled by a service provider and used for purposes connected with the services provided,
- (d) any other premises used for any purpose connected with the provision of health care for which an NHS body, a service provider or a Local Health Board has responsibility,

(and terms used in this definition have the meaning given by section 20(7) (disregarding section 20(8)(b))).”