



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 2

STANDARDS

CHAPTER 3

NHS HEALTH CARE: FUNCTIONS OF CHAI

Supplementary

^{F1}59 **Criteria**

.....

Textual Amendments

- F1** Ss. 48-69A repealed (1.4.2009 except in relation to ss. 66-69A, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 40, Sch. 15 Pt. 1; S.I. 2009/462, art. 2\(1\), Sch. 1 paras. 35\(p\), 36; S.I. 2010/807, art. 2\(1\), Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

^{F1}60 **Provision of material**

.....

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Supplementary. (See end of Document for details)

Textual Amendments

F1 Ss. 48-69A repealed (1.4.2009 except in relation to ss. 66-69A, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 40, Sch. 15 Pt. 1; S.I. 2009/462, art. 2\(1\), Sch. 1 paras. 35\(p\), 36; S.I. 2010/807, art. 2\(1\), Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

^{F1}61 Co-operation between CHAI and the regulator

.....

Textual Amendments

F1 Ss. 48-69A repealed (1.4.2009 except in relation to ss. 66-69A, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 40, Sch. 15 Pt. 1; S.I. 2009/462, art. 2\(1\), Sch. 1 paras. 35\(p\), 36; S.I. 2010/807, art. 2\(1\), Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

^{F1}62 Fees

.....

Textual Amendments

F1 Ss. 48-69A repealed (1.4.2009 except in relation to ss. 66-69A, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 40, Sch. 15 Pt. 1; S.I. 2009/462, art. 2\(1\), Sch. 1 paras. 35\(p\), 36; S.I. 2010/807, art. 2\(1\), Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

^{F1}63 Fees: Wales

.....

Textual Amendments

F1 Ss. 48-69A repealed (1.4.2009 except in relation to ss. 66-69A, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 40, Sch. 15 Pt. 1; S.I. 2009/462, art. 2\(1\), Sch. 1 paras. 35\(p\), 36; S.I. 2010/807, art. 2\(1\), Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

^{F1}64 Reports and information

.....

Textual Amendments

F1 Ss. 48-69A repealed (1.4.2009 except in relation to ss. 66-69A, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 40, Sch. 15 Pt. 1; S.I. 2009/462, art. 2\(1\), Sch. 1 paras. 35\(p\), 36; S.I. 2010/807, art. 2\(1\), Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Supplementary. (See end of Document for details)

F1 65 Co-operation between CHAI and the Audit Commission

.....

Textual Amendments

- F1** Ss. 48-69A repealed (1.4.2009 except in relation to ss. 66-69A, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 40](#), [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), [Sch. 1 paras. 35\(p\), 36](#); [S.I. 2010/807](#), art. 2(1), [Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

66 Right of entry

- (1) A person authorised to do so by the CHAI may, if the CHAI considers it necessary or expedient for the purposes of this Chapter, at any reasonable time enter and inspect—
- (a) any premises owned or controlled by an NHS body;
 - (b) any other premises used, or proposed to be used, for any purpose connected with—
 - (i) the provision of health care by or for an NHS body, or
 - (ii) the discharge of any of the functions of an NHS body.
- (2) A person who proposes to exercise any power of entry or inspection conferred by this section must if so required produce some duly authenticated document showing his authority to exercise the power.

Modifications etc. (not altering text)

- C1** S. 66 applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), reg. 1(1), [Sch. para. 7\(3\)](#)

Commencement Information

- I1** S. 66 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

67 Right of entry: supplementary

- (1) A person authorised by virtue of section 66 to enter and inspect premises may, if he considers it necessary or expedient for the purposes of this Chapter—
- (a) inspect, take copies of and remove from the premises any documents or records (including personal records);
 - (b) inspect any other item and remove it from the premises;
 - (c) interview in private—
 - (i) any person working at the premises;
 - (ii) any person receiving health care there who consents to be interviewed; and
 - (d) make any other examination into the state and management of the premises and treatment of persons receiving health care there.
- (2) The power in subsection (1)(a) includes—
- (a) power to require any person holding or accountable for documents or records kept on the premises to produce them; and

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Supplementary. (See end of Document for details)

- (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) A person authorised by virtue of subsection (1)(a) to inspect any records is entitled to have access to, and to 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.
- (4) A person authorised by virtue of section 66 to enter and inspect any premises may—
 - (a) require any person to afford him such facilities and assistance with respect to matters within the person’s control as are necessary to enable him to exercise his powers under section 66 or this section; and
 - (b) take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (5) Any person who without reasonable excuse—
 - (a) obstructs the exercise of any power conferred by section 66 or this section, or
 - (b) fails to comply with any requirement of section 66 or this section,
 is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Modifications etc. (not altering text)

C2 S. 67 applied (E.) (1.9.2005) by [Children Act 2004 \(Joint Area Reviews\) Regulations 2005 \(S.I. 2005/1973\)](#), reg. 1(1), **Sch. para. 7(3)**

Commencement Information

I2 S. 67 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 3(1)**

68 Power to require documents and information etc

- (1) The CHAI may at any time require any person specified in subsection (2) to provide it with any information, documents, records (including personal records) or other items—
 - (a) which relates or relate to—
 - (i) the provision of health care by or for an NHS body, or
 - (ii) the discharge of any of the functions of an NHS body; and
 - (b) which the CHAI considers it necessary or expedient to have for the purposes of this Chapter.
- (2) The persons referred to in subsection (1) are—
 - (a) the NHS body;
 - (b) any person providing health care for, or exercising functions of, the NHS body;
 - (c) a local authority.
- (3) The power in subsection (1) to require the provision of records includes, in relation to records kept by means of a computer, power to require the provision of the records in legible form.

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Supplementary. (See end of Document for details)

- (4) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I3 S. 68 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

69 Power to require explanation

- (1) The Secretary of State may by regulations make provision requiring prescribed persons to provide to the CHAI, or to persons authorised by it, an explanation of—
- any documents, records or items inspected, copied or provided under sections 66 to 68,
 - any information provided under those sections, or
 - any matters which are the subject of the exercise of any functions of the CHAI under this Chapter,
- in circumstances where the CHAI considers the explanation necessary or expedient for the purposes of this Chapter.
- (2) Regulations under subsection (1) may require explanations to be provided at such times and places as may be specified by the CHAI.
- (3) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I4 S. 69 partly in force; s. 69 in force at Royal Assent for certain purposes, see s. 199(1)(4)

[^{F2}69A Provision of information by Auditor General for Wales

The Auditor General for Wales must, on request, provide the CHAI with any information it may reasonably require for the purpose of making comparisons, in the exercise of its functions under sections 51, 52 and 57, between English NHS bodies and Welsh NHS bodies.]

Textual Amendments

F2 S. 69A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 2 para. 59](#); [S.I. 2005/558](#), [art. 2](#), [Sch. 1](#)

Status:

Point in time view as at 01/04/2009.

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Supplementary.