

HEALTH ACT 2006

EXPLANATORY NOTES

OVERVIEW OF THE STRUCTURE OF THE ACT

Part 2

9. **Part 2** of the Act introduces new provisions which are concerned with the prevention and control of health care associated infections. The Act gives the Secretary of State the power to issue a code of practice containing a range of actions to reduce the levels of health care associated infections in connection with health care that is provided or commissioned by the NHS. The NHS bodies to which the code applies, which may include any English NHS body (except Strategic Health Authorities) and any cross-border Special Health Authority (“cross-border SHA”), must observe the code in discharging their duty of quality in health care under the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”).
10. The Act also places duties on the Commission for Healthcare Audit and Inspection (“the CHAI”), which is referred to in these notes as “the Healthcare Commission”, to consider observance of the code when it carries out reviews and investigations of health care under Chapter 3 of Part 2 of the 2003 Act. Where the code is not being observed, the provisions in the Act give the Healthcare Commission the power to serve an improvement notice, and place a duty on the Commission to report significant failings to the Secretary of State or the regulator of NHS foundation trusts (“the regulator”) with a view to remedying the situation.
11. This Part of the Act extends to England and Wales.