

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 Chapter 3

Protection of Nhs from Fraud and Other Unlawful Activities

Section 49: Code of practice relating to delegated functions

246. *Subsections (1) and (2)* state that the appropriate national authority may publish a code of practice relating to the exercise of delegated functions by a Special Health Authority and to the procedures to be followed for the disclosure of information obtained through the use of these powers. The appropriate national authority must keep the code under review and may amend it as and when appropriate.
247. *Subsections (3) and (4)* provide that where the appropriate national authority decides to issue a code of practice, it must prepare a draft of that code and must consult persons or bodies which it considers appropriate before publishing the code. Similar provisions as to the publication of and consultation on a draft apply where any revisions are proposed and the changes would be substantial. *Subsection (8)* allows consultation for these purposes to have taken place before the commencement of this section.
248. *Subsection (6)* makes clear that no criminal or civil liability attaches to a failure to follow the code.
249. *Subsection (7)* provides that the code may be used in criminal or civil proceedings.