

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 Chapter 3

Protection of Nhs from Fraud and Other Unlawful Activities

Section 52 Offences in connection with production of documents

258. *Section 52* creates offences of failing to comply with section 46 or 47.
259. *Subsections (1) to (3)* provide that a person commits an offence if they fail to comply with section 46 or 47 by failing to produce documents that are requested or failing to provide explanations of those documents or to state where they believe they may be found. If found guilty a person could be sentenced to a maximum of 51 weeks imprisonment (3 months until the relevant provisions of the Criminal Justice Act 2003 are commenced – see section 78) or fined, or both. Further offences are committed if a person fails to produce documents after conviction and a continuing fine applies.
260. *Subsections (4) and (5)* state that it is an offence if a person makes a false or misleading statement in answer to questions put to them under section 46. If found guilty after a trial or indictment, a person could be sentenced to a maximum of 2 years' imprisonment or fined, or both. (see section 78 for the transitional modification of the summary penalty).