

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 Chapter 3

Protection of Nhs from Fraud and Other Unlawful Activities

Section 46: Notice requiring production of documents

228. *Section 46* sets out when the appropriate national authority may serve a notice requesting production of documents relevant to the exercise of their counter fraud functions (defined in section 44) and where the Secretary of State may serve a notice requesting production of documents relevant to the exercise of his security management functions (also defined in section 44). They may do so where they have reasonable grounds to suspect that such documents are in the possession or under the control of an NHS body, statutory health body, health service provider, or NHS contractor and that a member, officer, director or manager of the body or provider or an employee of that organisation (or where a health service provider is an individual, that person) is accountable for the documents.
229. *Subsection (4)* requires the notice to identify either specifically or by a general description, the documents which are required.
230. *Subsection (5)* sets out that the notice may require when, where and how the documents will need to be produced.
231. *Subsections (8) and (9)* state that the deadline for producing the documents requested may be altered by an authorised officer by agreement with the person on whom the notice was served. If the notice is varied that variation must be put in writing.
232. *Subsection (10)* provides for a person to be regarded as accountable for the documents if he has either day-to-day, or overall, responsibility for managing the documents required.