



National Health Service Act 2006

2006 CHAPTER 41

PART 10

PROTECTION OF NHS FROM FRAUD AND OTHER UNLAWFUL ACTIVITIES

Preliminary

195 Compulsory disclosure of documents

- (1) This Part confers power to require the production of documents in connection with the exercise of the Secretary of State's counter fraud functions or security management functions in relation to the health service.
- (2) The Secretary of State's "counter fraud functions" in relation to the health service means his power (by virtue of [^{F1}section 2]) to take action for the purpose of preventing, detecting or investigating fraud, corruption or other unlawful activities carried out against or otherwise affecting—
 - (a) the health service, or
 - (b) the Secretary of State in relation to his responsibilities for the health service.
- (3) The Secretary of State's "security management functions" in relation to the health service means his power (by virtue of [^{F2}section 2]) to take action for the purpose of protecting and improving the security of—
 - (a) persons employed by the Secretary of State or an NHS body in the provision of services for the purposes of the health service ("NHS services") [^{F3}or in arranging for the provision of such services],
 - (b) health service providers and persons employed by them so far as they or persons so employed are engaged in any activity directly related to the provision of NHS services,
 - (c) NHS contractors and persons employed by them so far as they or persons so employed are engaged in any activity directly related to the provision of NHS services,

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- (d) persons not within paragraphs (a) to (c) who work in any capacity on premises used by the Secretary of State, an NHS body, a health service provider, or an NHS contractor, in connection with the provision of NHS services [^{F4}or with arranging for the provision of such services],
 - (e) persons on such premises—
 - (i) who are there for the purpose of receiving, or are receiving or have received, treatment or other services as patients, or
 - (ii) who are accompanying persons within sub-paragraph (i),
 - (f) property and information used or held by the Secretary of State, an NHS body, a health service provider, or an NHS contractor, in connection with the provision of NHS services [^{F5}or with arranging for the provision of such services].
- (4) In this Part, the Secretary of State's counter fraud functions and security management functions in relation to the health service are collectively referred to as functions to which this Part applies.
- (5) “Investigating” means investigating in relation to civil or criminal proceedings.

Textual Amendments

- F1** Words in s. 195(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 103\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in s. 195(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 103\(3\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** Words in s. 195(3)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 103\(3\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 195(3)(d) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 103\(3\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 195(3)(f) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 103\(3\)\(d\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

196 Persons and bodies about which provision is made by this Part

- (1) This section applies for the purposes of this Part.
- (2) Subject to subsection (3), and any provision made under subsection (7), “NHS body” has the meaning given by [^{F6}section 275(1)].
- (3) In section 195(3), and in section 197(1) so far as having effect in relation to the Secretary of State's security management functions referred to in section 195(3), an “NHS body” means—
- [^{F7}(za) [^{F8}NHS England],
 - [^{F9}(zb) an integrated care board,]]
 - ^{F10}(a)
 - (b) a Special Health Authority, so far as performing functions in respect of England,
 - ^{F11}(c)
 - (d) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England, or
 - (e) an NHS foundation trust.

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- (4) A “health service provider” means any person (other than an NHS body) providing—
- (a) primary medical services, primary dental services or pharmaceutical services under this Act or the National Health Service (Wales) Act 2006 (c. 42),
 - (b) general ophthalmic services under that Act, or
 - (c) primary ophthalmic services.
- (5) An “NHS contractor” means any person (other than an NHS body or a person within subsection (4)) providing services of any description under arrangements made with an NHS body.
- [^{F12}(5A) A “public health service contractor” means any person providing services of any description under arrangements made in the exercise of the public health functions of the Secretary of State or a local authority.]
- (6) A “statutory health body” means any body (other than an NHS body, or a person within subsection (4) or (5)) established by or under an enactment and—
- (a) providing services in connection with the provision of, or
 - (b) exercising functions in relation to,
- the health service in either England or Wales or both.
- (7) The Secretary of State may by order—
- (a) make such amendments of any of subsections (2) to (6) as he considers appropriate,
 - (b) make such consequential amendments of this Part as he considers appropriate.

Textual Amendments

- F6** Words in s. 196(2) substituted (1.10.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 104\(2\)](#); S.I. 2012/1831, art. 2(2); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** S. 196(3)(za)(zb) inserted (1.10.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 104\(3\)\(a\)](#); S.I. 2012/1831, art. 2(2)
- F8** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F9** S. 196(3)(zb) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 111](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F10** S. 196(3)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 104\(3\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** S. 196(3)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 104\(3\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** S. 196(5A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 104\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)