



Health and Care Act 2022

2022 CHAPTER 31

PART 4

THE HEALTH SERVICES SAFETY INVESTIGATIONS BODY

Investigatory powers etc

118 Powers of entry, inspection and seizure

- (1) If an investigator considers it necessary for the purposes of an investigation, the investigator may—
 - (a) enter and inspect premises in England, other than premises used wholly or mainly as a private dwelling;
 - (b) inspect and take copies of any document at, or capable of being viewed using equipment at, the premises;
 - (c) inspect any equipment or other item at the premises;
 - (d) seize and remove from the premises any document, equipment or other item (unless that would risk the safety of any patient).
- (2) In subsection (1)(b) the reference to inspecting and taking copies of any document includes requiring any document which is kept in electronic form to be produced in a form in which it is legible and can be taken away.
- (3) Where any document, equipment or other item is seized by an investigator, or any copy of a document is taken, it may be retained by the HSSIB for so long as is necessary for the purposes of the investigation.
- (4) An investigator exercising any power conferred by this section must, if asked, produce evidence of the investigator's authority from the HSSIB to act on its behalf.
- (5) The powers conferred by subsection (1) may be exercised in relation to premises in which there is a Crown interest, but only if the HSSIB gives reasonable notice to the occupier of the premises of its intention to enter and inspect the premises.

Status: This is the original version (as it was originally enacted).

- (6) But if the Secretary of State certifies that it appears to the Secretary of State appropriate in the interests of national security that the powers conferred by subsection (1)—
- (a) should not be exercisable in relation to any premises in which there is a Crown interest and which are specified in the certificate, or
 - (b) should not be exercisable in relation to any such premises which are so specified except in circumstances specified in the certificate,
- those powers are not exercisable in relation to those premises or (as the case may be) are not exercisable except in the circumstances specified.
- (7) In this section “Crown interest” means—
- (a) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
 - (b) an interest belonging to Her Majesty in right of the Crown;
 - (c) an interest belonging to Her Majesty in right of the Duchy of Lancaster;
 - (d) an interest belonging to the Duchy of Cornwall.