

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 Chapter 3

Protection of Nhs from Fraud and Other Unlawful Activities

Section 47: Production of documents

233. *Section 47* applies once a notice has been given under section 46 by the appropriate national authority.
234. *Subsection (2)* makes it clear that an authorised officer may: take away any documents produced under the notice; take copies of the whole or specific parts of those documents; and ask the person producing those documents to explain them. An authorised officer is defined in section 55 as an officer authorised by the appropriate national authority or where these functions are to be exercised by a Special Health Authority, an appropriately authorised officer of that body.
235. *Subsection (3)* makes it clear that, if a person produces a document for the authorised officer to take away and he makes a request to the officer for a copy of that document, and the officer considers that request reasonable, the officer must as soon as is reasonably practicable give him a copy of the document.
236. *Subsection (4)* states that documents may be kept by the appropriate national authority for as long as it considers it necessary to retain them (rather than copies of them) in connection with the exercise of functions of the authority to which this Chapter applies.
237. *Subsection (5)* allows any of the produced documents that are relevant to any legal proceedings to be kept until the completion of any legal proceedings if the appropriate national authority believes that they might otherwise not be available for those proceedings.
238. *Subsection (6)* provides that if a person fails to produce the requested documents, as stated in the notice, he may be required by the authorised officer to state where those documents are.
239. *Subsection (7)* states that a person is only required to produce documents, or state to the best of his knowledge and belief where he believes the documents to be, to those who show appropriate evidence of authority.
240. *Subsection (8)* states that a person may not be required to produce documents or disclose any information which is subject to legal professional privilege.