

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Inquiries

Section 75: Inquiries

264. *Section 75* enables the Secretary of State to initiate an inquiry into matters concerning the exercise of any of the Commission's functions. *Subsection (2)* gives the Secretary of State the power to direct that an inquiry be held in private. Where no such direction is given, *subsection (3)* enables the person holding the inquiry to decide whether the inquiry or any part of it should be held in private. This might be necessary, for example, to protect patient confidentiality.
265. *Subsection (4)* applies section 250(2) to (5) of the Local Government Act 1972 to an inquiry undertaken under this section. This will enable the person holding the inquiry to issue a summons requiring an individual to give evidence or produce any documents in their custody or under their control at a stated time and place. If that person fails to attend (for reasons other than not having the necessary expenses of their visit paid or tendered), then they may be liable to a fine or imprisonment.
266. *Subsection (5)* requires reports of inquiries set up under the powers in this section to be published unless the Secretary of State decides there are exceptional circumstances that render publication inappropriate (for example, publication being prejudicial to any ongoing criminal investigation).