

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Crown application

Section 96: Application of Part 1 to Crown

295. [Section 96](#) enables the provisions of Chapters 2, 3 and 6 to apply to the Crown. If services such as prison health care or military hospitals provided by Defence Medical Services became subject to registration or review, individuals, such as civil servants who are in the service of the Crown as public servants, could be prosecuted under the Act in the same way as private individuals, private organisations and their staff. The Crown would not, however, be liable to criminal prosecution in relation to offences under those Chapters, although the High Court could find that the Crown had acted unlawfully following a judicial review. *Subsection (5)* enables the Secretary of State, in the interests of national security, to limit the powers of entry and inspection conferred by sections 58 and 59 so far as relating to premises held or used by or on behalf of the Crown.