

## HEALTHWATCH ENTER AND VIEW – STATUTORY DUTIES

---

### The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

#### Requirements relating to authorised representatives for the purposes of entering and viewing

42.—(1) The requirements referred to in regulation 40(1)(e) and 41(2) are that L or the relevant contractor, as the case may be, must—

- (a) have and publish a procedure for the making of decisions about who may be an authorised representative;
- (b) if any amendments are made to the procedure referred to in sub-paragraph (a), as soon as practicable publish the procedure as amended;
- (c) comply with the procedure referred to in sub-paragraph (a) as may be amended from time to time;
- (d) maintain and publish a list of individuals authorised as authorised representatives;
- (e) provide each authorised representative with written evidence of that individual's authorisation; and
- (f) ensure that only an individual to whom paragraph (2) applies may be an authorised representative.

(2) This paragraph applies to an individual if—

- (a) a criminal records certificate under section 113A of the Police Act 1997([22](#)) has been obtained in respect of that individual;
- (b) the relevant person has considered that certificate; and
- (c) that person is satisfied that the individual to whom that certificate refers is a suitable person for the purposes of entering and viewing, and observing the carrying-on of activities on, premises owned or controlled by a services-provider.

(3) For the purposes of paragraph (2), “the relevant person” means—

- (a) in the case of a representative to be authorised by L, L; and

(b)in the case of a representative to be authorised by the relevant contractor, that contractor.