

EXPLANATORY MEMORANDUM TO THE

HEALTH PROTECTION AGENCY ACT 2004 (NATIONAL RADIOLOGICAL PROTECTION BOARD AND HEALTH PROTECTION AGENCY SPECIAL HEALTH AUTHORITY (YR ASIANTAETH DIOGELU IECHYD)) (CONSEQUENTIAL PROVISIONS) ORDER 2005

2005 No.525

1 This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2 **Description**

2.1 The Health Protection Agency comes into being on 1 April 2005 as a non-departmental public body established under the Health Protection Agency Act 2004.

2.2 This order:

- a) makes changes to legislation consequential on the creation of the Health Protection Agency Non-Departmental Public Body and abolition of the Health Protection Agency Special Health Authority and the National Radiological Protection Board, including provision for the HPA to complete the accounts of its two predecessor bodies;
- b) requires the Agency to prepare and lay before each House of Parliament the accounts for 2004-5 of the two predecessor bodies, after these bodies have been abolished, together with the reports of the Comptroller and Auditor General;
- c) makes consequential provision for removal of references to either or both these predecessor bodies in other legislation and replacement, where appropriate, by references to the Agency.

3 **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4 **Legislative Background**

4.1 General The Health Protection Agency Act 2004 establishes the Health Protection Agency as a UK-wide non-departmental public body.

4.2 The powers and consultation provisions governing these regulations were brought into force by the Health Protection Agency Act 2004

(Commencement) Order (SI 2005/121 (C.5)). All the provisions of the Act not yet in force will be in force by 1 April 2005 when the Agency comes into existence, except the amendment to the Parliamentary Commissioner Act 1967 to be made by Schedule 3, paragraph 1 of the Act. (The necessary change to the 1967 Act is being made, along with other changes to that Act, in a Parliamentary Commissioner Order).

5 **Extent**

5.1 The Health Protection Agency is established within the United Kingdom and the order applies to the United Kingdom.

6 **European Convention on Human Rights**

6.1 Not applicable. The order does not amend primary legislation.

7 **Policy Background**

General

7.1 The Health Protection Agency Act 2004 provides for the Agency to undertake both health functions and radiation protection functions, including functions currently carried out by the Health Protection Agency Special Health Authority and the National Radiological Protection Board, both of which will be wound up when the Agency is created. These more integrated arrangements are intended to improve the UK's ability to tackle the problems posed by infectious disease and other hazards, including chemical, biological, radiological and nuclear (CBRN) terrorism.

8. **Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9 **Contacts**

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