

---

STATUTORY INSTRUMENTS

---

**1999 No. 3431**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Health Development Agency  
(Establishment and Constitution) Order 1999**

*Made* - - - - 21st December 1999  
22nd December  
*Laid before Parliament* 1999  
*Coming into force* - - 14th January 2000

The Secretary of State for Health in exercise of the powers conferred upon him by section 11(1), (2) and (4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Health Development Agency (Establishment and Constitution) Order 1999 and shall come into force on 14th January 2000.

(2) In this Order “the Agency” means the Health Development Agency established by this Order.

**Establishment of the Health Development Agency**

2. There is hereby established a Special Health Authority which shall be known as the Health Development Agency.

**Functions of the Agency**

3. Subject to and in accordance with such directions as the Secretary of State may give(2), the Agency shall perform—

---

(1) 1997 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53), by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), by paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and by paragraph 6 of Schedule 4 to the Health Act 1999 (c. 8) (“the 1999 Act”); sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by paragraph 7(2) of Schedule 1 to the 1990 Act and was amended by paragraph 60(b) of Schedule 1 to the 1995 Act. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

(2) See, in particular, sections 16D, 17 and 18 of the National Health Service Act 1977 (c. 49); sections 16D and 17 were inserted by section 12(1) of the 1999 Act. Section 18 was amended by Schedule 10 to the 1990 Act, by section 3(8) of the 1995 Act, by paragraph 9 of Schedule 1 to the 1995 Act and by section 12(3) of the 1999 Act.

- (a) such functions in connection with developing and ensuring high quality public health provision and health promotion, and
- (b) such other functions,

as the Secretary of State may direct.

#### **Constitution of the Agency**

4. The Agency shall consist of such numbers of members not exceeding 20 as the Secretary of State may from time to time determine, all of whom shall be appointed by the Secretary of State and one of whom shall be appointed Chairman.

#### **Remuneration of members**

5. The Agency is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the National Health Service Act 1977 (definition of “relevant authority” for the purposes of paying remuneration to members of Health Authorities and certain Special Health Authorities).

#### **Public Meeting**

6. The Public Bodies (Admission to Meetings) Act 1960(3) shall apply to the Agency.

Signed by authority of the Secretary of State for Health

*Yvette Cooper*  
Parliamentary Under Secretary of State for  
Public Health,  
Department of Health

21st December 1999

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the establishment and constitution of a Special Health Authority, to be known as the Health Development Agency (“the Agency”), to exercise on behalf of the Secretary of State such functions in connection with developing and ensuring high quality public health provision and health promotion and such other functions as he may direct it to perform.

Article 2 of the Order establishes the Agency, the functions of which are described in article 3 and are to be specified more particularly in directions given by the Secretary of State. Provision is also made for the constitution of the Agency (article 4), for the remuneration of members of the Agency (article 5) and for the admission of the public to meetings (article 6).