



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 5

#### MISCELLANEOUS

##### *Functions of Health Protection Agency in relation to biological substances*

#### **159 Functions of Health Protection Agency in relation to biological substances**

- (1) The National Biological Standards Board is abolished (and, accordingly, the Biological Standards Act 1975 (c. 4) ceases to have effect).
- (2) The Health Protection Agency Act 2004 (c. 17) is amended as follows.
- (3) After section 2 insert—

##### **“2A Functions in relation to biological substances**

- (1) The Agency has such functions in relation to a matter specified in subsection (2) as the relevant authority directs.
- (2) Those matters are—
  - (a) the establishment of standards for biological substances;
  - (b) the preparation, approval and provision of standard preparations of biological substances;
  - (c) the testing of biological substances.
- (3) The relevant authority shall be deemed to have directed under subsection (1) that the Agency is to have the functions specified in paragraphs (a) to (f) of Article 2 of the 1976 Order (the pre-abolition functions of the National Biological Standards Board).
- (4) The direction under subsection (3)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) shall be deemed to have been given on the commencement of that subsection;
  - (b) may be varied in the same way as any other direction under subsection (1);
  - (c) is not affected by the repeal of the Biological Standards Act 1975 or by the 1976 Order ceasing to have effect as a result of that repeal.
- (5) In this section—
- “biological substance” means a substance whose purity or potency cannot, in the opinion of the Secretary of State, be adequately tested by chemical means;
  - “the relevant authority” means—
    - (a) the Secretary of State, and
    - (b) the Department of Health, Social Services and Public Safety in Northern Ireland,
 acting jointly;
  - “the 1976 Order” means the National Biological Standards Board (Functions) Order 1976.
- (6) The generality of section 2(1) is to be taken not to be prejudiced by this section; and the generality of subsections (1) to (4) is to be taken not to be prejudiced by section 2.”
- (4) In section 6 (meaning of “appropriate authority”), after subsection (5) insert—
- “(6) Subsections (2) to (5) do not apply in relation to biological-substances functions.
- (7) In relation to any biological-substances function, the appropriate authority is—
- (a) the Secretary of State, and
  - (b) the Department of Health, Social Services and Public Safety in Northern Ireland,
- acting jointly.
- (8) In subsections (6) and (7) “biological-substances function” means—
- (a) a function of the Agency under section 2A, or
  - (b) a function of the Agency under section 2(1), (2)(a) or (b), (3), (4) or (10) that is a function in relation to a matter specified in section 2A(2).”
- (5) In section 8 (power to make transfer schemes)—
- (a) after subsection (4) insert—
    - “(4A) The Secretary of State and the Department of Health, Social Services and Public Safety in Northern Ireland, acting jointly, may make a scheme for the transfer of property, rights and liabilities of the National Biological Standards Board to the Agency.”, and
  - (b) in subsection (7), after “section 2” insert “, 2A”.
- (6) In section 9 (directions)—
- (a) in subsection (2) (certain directions to be given in regulations made by statutory instrument), after “section 2(2), (3) or (4)” insert “or 2A(1),”; and

- (b) in subsection (3) (certain statutory instruments making regulations giving directions to be subject to annulment), after “section 2(2)(a) or (3)” insert “or 2A(1)”.