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STATUTORY INSTRUMENTS

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**2005 No. 525**

**PUBLIC HEALTH**

**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**

*Made* - - - - *7th March 2005*  
*Laid before Parliament* *10th March 2005*  
*Coming into force* - - *1st April 2005*

The Secretary of State for Health in exercise of the powers conferred upon him by section 12(5) of the Health Protection Agency Act 2004(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 Protection Agency Act 2004 (National Radiological Protection Board and Health Protection Agency Special Health Authority (Yr Asiantaeth Diogelu Iechyd)) (Consequential Provisions) Order 2005 and shall come into force on 1st April 2005.

(2) In this Order—

“the Act” means the Health Protection Agency Act 2004;

“the HPA SHA” means the Health Protection Agency (Yr Asiantaeth Diogelu Iechyd), a special health authority established by article 2 of the Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) (Establishment) Order 2003(2);

“the NRPB” means the National Radiological Protection Board established by section 1(1) of the Radiological Protection Act 1970(3).

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- (1) [2004 \(c. 17\)](#) (“the 2004 Act”). This Order is made by the Secretary of State in exercise of concurrent powers with the National Assembly for Wales. See article 2(c) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. [1999/672](#).
- (2) S.I. [2003/505](#). S.I. [2003/505](#) is revoked by paragraph 19 of Schedule 3 to the 2004 Act. Paragraph 19 of Schedule 3 to the 2004 Act is to come into force on 1st April 2005 (see S.I. [2005/121](#) (C.5)).
- (3) [1970 \(c. 46\)](#). The Radiological Protection Act 1970 ceases to have effect pursuant to paragraph 2 of Schedule 3 to the 2004 Act. Paragraph 2 of Schedule 3 to the 2004 Act is to come into force on 1st April 2005 (see S.I. [2005/121](#) (C.5)).

### **NRPB and HPA SHA – accounts**

2.—(1) The Agency must prepare annual accounts in respect of the year beginning on 1st April 2004 and ending on 31st March 2005 in such form as the Secretary of State, with the approval of the Treasury, may direct—

- (a) of the NRPB; and
- (b) of the HPA SHA.

(2) The Agency must send copies of each of those annual accounts on or before 31st October 2005 to the Comptroller and Auditor General.

(3) The Comptroller and Auditor General must examine, certify and report on each of those annual accounts.

(4) The Agency must lay copies of each of those annual accounts and of each of the reports of the Comptroller and Auditor General before each House of Parliament.

(5) The Agency must send each of those annual accounts to the Secretary of State.

### **NRPB and HPA SHA - consequential amendments**

3. The enactments specified in the Schedule are amended as specified there.

### **HPA SHA - revocation**

4. The Health Service Commissioner for England (Health Protection Agency (Yr Asiantaeth Diogelu Iechyd)) Order 2003(4) is revoked.

## SCHEDULE

Article 3

### Amendments consequential on paragraphs 2 and 19 of Schedule 3 to the Health Protection Agency Act 2004

#### *Family Health Services Authorities (Membership and Procedure) Regulations 1990*

1. In regulation 1(2) of the Family Health Services Authorities (Membership and Procedure) Regulations 1990<sup>(5)</sup> (citation, commencement and interpretation), in the definition of “health service body”, omit “(f) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970;” and add at the end of the definition, “(g) the Health Protection Agency;”.

#### *Regional and District Health Authorities (Membership and Procedure) Regulations 1990*

2. In Part 1 of the Regional and District Health Authorities (Membership and Procedure) Regulations 1990<sup>(6)</sup>, in regulation 1(2) (citation, commencement and interpretation), in the definition of “health service body”, omit “(f) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970; and”, and add at the end of the definition “and (h) the Health Protection Agency;”.

#### *National Health Service Trusts (Membership and Procedure) Regulations 1990*

3. In Part 1 of the National Health Service Trusts (Membership and Procedure) Regulations 1990<sup>(7)</sup>, in regulation 1(2) (citation, commencement and interpretation), in the definition of “health service body”, omit “(g) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970;” and add at the end of the definition, “(i) the Health Protection Agency;”.

#### *Health Authorities (Membership and Procedure) Regulations 1996*

4. In Part 1 of the Health Authorities (Membership and Procedure) Regulations 1996<sup>(8)</sup>, in regulation 1(2) (citation, commencement and interpretation), in the definition of “health service body”, omit “(e) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970; and” and add to the end of the definition, “and (g) the Health Protection Agency ;”.

#### *Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000*

5. In regulation 1(2) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000<sup>(9)</sup> (citation, commencement and interpretation), in the definition of “health service body”, omit “(e) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970;” and add at the end of the definition, “(h) the Health Protection Agency;”.

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(5) S.I. 1990/1330.

(6) S.I. 1990/1331.

(7) S.I. 1990/2024.

(8) S.I. 1996/707.

(9) S.I. 2000/89.

*The Radioactive Material (Road Transport) Regulations 2002*

6. In the Radioactive Material (Road Transport) Regulations 2002(**10**)—
- (a) for regulation 68(2)(d) (duties of consignor and carrier with regard to the preparation of emergency arrangements) substitute “(d) levels of radiation dose applicable in an emergency specified by the Health Protection Agency (“HPA”) pursuant to its functions under section 3(1) of the Health Protection Agency Act 2004.”;
  - (b) after regulation 68(2) insert as a new paragraph “(2A) Until the HPA specifies levels of radiation dose applicable in an emergency, the emergency arrangements referred to at paragraph (1) shall be prepared having regard to the Emergency Reference Levels specified by the former National Radiological Protection Board pursuant to a direction under section 1(7) of the Radiological Protection Act 1970.”.

*Commission for Patient and Public Involvement in  
Health (Membership and Procedure) Regulations 2002*

7. In regulation 5(4) of the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002(**11**) (disqualification for appointment), omit “(f) the National Radiological Protection Board;” and add at the end of the paragraph “(j) the Health Protection Agency.”.

*The Government Resources and Accounts Act 2000 (Summarised  
Accounts of Special Health Authorities) Order 2003*

8. In the Schedule to the Government Resources and Accounts Act 2000 (Summarised Accounts of Special Health Authorities) Order 2003(**12**) omit “Health Protection Agency”.

*The Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2003*

9. In Schedule 1 to the Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2003(**13**) omit “Health Protection Agency”.

*Justification of Practices Involving Ionising Radiation Regulations 2004*

10. In the Justification of Practices Involving Ionising Radiation Regulations 2004(**14**)—
- (a) in regulation 18(1)(a)(iii) (consultation), for “the National Radiological Protection Board”, substitute “the Health Protection Agency”; and
  - (b) in regulation 22(3)(d) (contravention notices), for “the National Radiological Protection Board” substitute “the Health Protection Agency”.

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(10) S.I. 2002/1093.  
(11) S.I. 2002/3038.  
(12) S.I. 2003/983.  
(13) S.I. 2003/1324.  
(14) S.I. 2004/1769.

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## EXPLANATORY NOTE

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

This Order makes provision in consequence of the coming into force of the Health Protection Agency Act 2004 (“the Act”), in particular paragraphs 2 and 19 of Schedule 3 to the Act.

The Radiological Protection Act 1970, under which the National Radiological Protection Board (“NRPB”) was established, ceases to have effect under paragraph 2 of Schedule 3 to the Act. Similarly, the Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) (Establishment) Order 2003, under which the special health authority, the Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) (“HPA SHA”) was established, is revoked by paragraph 19 of Schedule 3 to the Act. The Health Protection Agency (“the Agency”) will carry out the functions formerly carried out by the NRPB and the HPA SHA.

Article 2 (NRPB and HPA SHA - Accounts) makes consequential provision for the Agency to prepare the annual accounts of each of the NRPB and the HPA SHA for the financial year 2004 – 2005, for the Comptroller and Auditor General to examine, certify and report on the respective accounts, and for the Agency to lay copies of the accounts and the reports of the Comptroller and Auditor General before each House of Parliament.

Article 3 (NRPB and HPA SHA – consequential amendments) and the Schedule provide for consequential amendments, including removal of references to the NRPB or the HPA SHA in secondary legislation.

Article 4 (HPA SHA – revocation) revokes an order which made provision concerning the HPA SHA.