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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 316**

**PUBLIC HEALTH**

**The Health Protection Agency (Scottish Health Functions) Amendment Order 2007**

<i>Made</i>	- - - -	<i>6th June 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th June 2007</i>
<i>Coming into force</i>	- -	<i>6th July 2007</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2(7) of the Health Protection Agency Act 2004<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 2(8)(a) of that Act, they have secured the agreement of the Secretary of State.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Health Protection Agency (Scottish Health Functions) Amendment Order 2007 and shall come into force on 6th July 2007.

(2) In this Order “the principal Order” means the Health Protection Agency (Scottish Health Functions) Order 2006<sup>(2)</sup>.

**Amendment of article 1 of the principal Order**

2. In article 1(2) of the principal Order (citation, commencement and interpretation)–

(a) after the definition of “chemicals authority” insert–

““Common Services Agency” means the Common Services Agency of the Scottish Health Service<sup>(3)</sup>;

“competent IHR authorities in Scotland” means–

(a) the Scottish Ministers; and

(b) the Common Services Agency;”;

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(1) 2004 c. 17.

(2) S.S.I. 2006/559.

(3) The body established by Order under section 10 of the National Health Service (Scotland) Act 1978 (c. 29). Functions have been conferred on or withdrawn from the Common Services Agency under S.I.1974/467, as amended by S.I. 1991/900, S.S.I. 2000/224, 2003/159 and 306 and 2006/603.

- (b) after the definition of “health care professional” insert–
- ““the IHR” means the International Health Regulations (2005) of the WHO adopted by the Fifty eighth World Health Assembly on 23rd May 2005;
  - “National IHR Focal Point” means the national centre, designated by each State Party to the IHR, which shall be accessible at all times for communications with the WHO IHR Contact Point under the IHR;”;
- (c) after the definition of “public health authority” insert–
- ““public health emergency of international concern” has the meaning set out in Article 1 of the IHR;
  - “World Health Assembly” has the meaning set out in the Constitution of the World Health Organization adopted by the International Health Conference held in New York from 19th June to 22nd July 1946 and signed on 22nd July 1946;
  - “WHO” means the World Health Organization, a specialised agency within the terms of Article 57 of the Charter of the United Nations, established by the Constitution of the World Health Organization; and
  - “WHO IHR Contact Point” means the unit within WHO which shall be accessible at all times for communications with the National IHR Focal Point.”.

### **Amendment of article 2 of the principal Order**

3. In article 2 of the principal Order (additional functions), after paragraph (e) insert–
- “(f) the assessment under and in accordance with Article 6.1 of the IHR of events in Scotland that may constitute a public health emergency of international concern;
  - (g) acting, in relation to Scotland, as a National IHR Focal Point as described in the IHR, in particular–
    - (i) to be accessible at all times for communication with the WHO IHR Contact Point;
    - (ii) to send to the WHO IHR Contact Point urgent communications concerning the implementation of the IHR, in particular under Articles 6 to 12 of the IHR;
    - (iii) to disseminate information to, and consolidate information from, competent IHR authorities in Scotland;
    - (iv) to communicate with competent IHR authorities in Scotland on the relevant public health measures taken pursuant to the IHR; and
    - (v) to receive reports from competent IHR authorities in Scotland on implementation of necessary additional health measures including isolation of conveyances to prevent the spread of disease in accordance with Article 27.1 of the IHR;
  - (h) in relation to Scotland and its role as National IHR Focal Point, the provision to WHO of contact details and thereafter–
    - (i) continuously updating WHO in relation to any changes to such contact details; and
    - (ii) confirming such contact details to WHO annually; and
  - (i) the provision to WHO, in accordance with the function described at Article 20.3 of the IHR, of–
    - (i) a list of bodies authorised to issue or extend the validity of Ship Sanitation Control Certificates or Ship Sanitation Control Exemption Certificates in Scotland; and

(ii) information on any changes which may occur to the status of the listed bodies.”.

St Andrew’s House,  
Edinburgh  
6th June 2007

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

Section 2(7) of the Health Protection Agency Act 2004 (“the Act”) enables the Scottish Ministers by order to confer on the Health Protection Agency (“the Agency”) a function of any description falling within section 2(1) of the Act to the extent that it is exercisable within devolved competence. Section 2(1) of the Act includes the functions of: (a) the protection of the community (or any part of the community) against infectious disease and other dangers to health; (b) the prevention of the spread of disease; and (c) the provision of assistance to any other person who exercises functions in relation to those matters.

The Scottish Ministers conferred upon the Agency under article 2 of the Health Protection Agency (Scottish Health Functions) Order 2006 (“the principal Order”) certain Scottish health functions. This Order amends the principal Order to provide for the Agency to have further health protection functions in relation to Scotland in connection with implementation of the International Health Regulations of the World Health Organization (“the IHR”).

Article 2 inserts additional definitions relating to the IHR into article 1(2) of the principal Order. Article 3 adds, to article 2 of the principal Order, new paragraphs (f) to (i) dealing with the new IHR related functions, namely the function of assessing events that might constitute a public health emergency of international concern (within the meaning of the IHR), and thereafter by acting as the UK National IHR Focal Point for Scottish interests including the notification of any such public health emergency of international concern to the World Health Organization. The Agency is also given the function, again for centralised notification reasons from the UK, of sending to the World Health Organization pursuant to Article 20.3 of the IHR lists of ports authorised to offer Ships Sanitation Control Certificates and Ships Sanitation Control Exemption Certificates in Scotland.

By article 1(1) the Order is to come into force on 15th June 2007, the date that the IHR come into force for the United Kingdom.

The Secretary of State has agreed to the making of this Order in accordance with section 2(8)(a) of the Act.

The full text of the International Health Regulations (2005) is available on the World Health Organization’s website, [www.who.int/gb/ebwha/pdf\\_files/WHA58/WHA58\\_3-en.pdf](http://www.who.int/gb/ebwha/pdf_files/WHA58/WHA58_3-en.pdf).

No Regulatory Impact Assessment has been prepared in respect of this Order as it has no impact on costs of business.