
Status: Point in time view as at 31/01/2005. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

HEALTH PROTECTION AGENCY

Membership of the Agency

- 1 (1) The membership of the Agency is to be as follows—
- (a) the chairman;
 - (b) the chief executive;
 - (c) the prescribed number of non-executive members;
 - (d) the prescribed number of executive members.
- (2) The chairman is to be appointed by the Secretary of State after consultation with each of the devolved authorities.
- (3) The non-executive members are to be appointed as follows—
- (a) one is to be appointed by the Scottish Ministers;
 - (b) one is to be appointed by the Department of Health, Social Services and Public Safety in Northern Ireland;
 - (c) one is to be appointed by the National Assembly for Wales;
 - (d) the remainder are to be appointed by the Secretary of State.
- (4) The executive members are to be appointed by the chairman and the non-executive members of the Agency.
- (5) The members of the Agency may appoint one of the non-executive members to be deputy chairman for such period (not exceeding the remainder of his period of office as member) as they specify on making the appointment.
- (6) The prescribed number is such number as the Secretary of State prescribes by regulations.
- (7) But the Secretary of State must not act under sub-paragraph (6) unless he first consults each of the devolved authorities.

Commencement Information

II Sch. 1 para. 1(6)(7) in force at 31.1.2005 for specified purposes by S.I. 2005/121, art. 2(1)(a)

VALID FROM 01/10/2006

- 2 (1) The National Assembly for Wales may direct a Special Health Authority to exercise any function it has by virtue of paragraph 1.

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Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

- (2) If the Assembly gives such a direction, the National Health Service Act 1977 (c. 49) has effect as if—
- (a) the direction is a direction under section 16D of that Act;
 - (b) the function is exercisable by the Special Health Authority under that section.
- 3 (1) The Secretary of State may by regulations prescribe conditions which are to be satisfied in relation to a person before he is appointed as chairman or as a non-executive member.
- (2) But the Secretary of State must not act under this paragraph unless he first consults each of the devolved authorities.

Commencement Information

I2 Sch. 1 para. 3 in force at 31.1.2005 for specified purposes by S.I. 2005/121, art. 2(1)(a)

VALID FROM 01/04/2013

- 4 The executive members (including the chief executive) are to be—
- (a) employees of the Agency, or
 - (b) persons seconded to the staff of the Agency.

VALID FROM 01/04/2013

Status

- 5 (1) The Agency is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Agency is not to be regarded as property of or property held on behalf of the Crown.
- 6 The Agency is to be treated as a cross-border public authority within the meaning of the Scotland Act 1998 (c. 46) for the purposes of the following provisions of that Act—
- (a) section 23(2)(b) (power of Scottish Parliament to require persons outside Scotland to attend to give evidence or produce documents);
 - (b) section 70(6) (legislation of Scottish Parliament not to require certain cross-border public authorities to prepare accounts).

VALID FROM 01/04/2013

Chief executive

- 7 The Agency must appoint a person to be its chief executive.

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Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

Terms of appointment

- 8 (1) The Secretary of State may by regulations make provision as to the terms on which the chairman and non-executive members of the Agency are to be appointed.
- (2) The regulations may in particular make provision as to—
- (a) the period for which they are to hold office;
 - (b) their eligibility for re-appointment;
 - (c) remuneration and allowances;
 - (d) circumstances in which their membership is to be suspended or terminated.
- (3) The Secretary of State may make payments to any person who is or has been chairman or a non-executive member of the Agency of such—
- (a) allowances;
 - (b) gratuities;
 - (c) compensation,
- as he thinks appropriate.
- (4) But the Secretary of State must not act under this paragraph unless he first consults each of the devolved authorities.

Commencement Information

I3 Sch. 1 para. 8(1)(2)(4) in force at 31.1.2005 for specified purposes by S.I. 2005/121, art. 2(1)(a)

VALID FROM 01/04/2013

- 9 (1) The Agency must determine the conditions of service of and the remuneration and allowances payable to the executive members (including the chief executive) of the Agency.
- (2) The chief executive must not take part in a discussion or decision in pursuance of sub-paragraph (1) which relates to—
- (a) his own conditions of service;
 - (b) the remuneration and allowances payable to him.
- (3) An executive member must not take part in a discussion or decision in pursuance of sub-paragraph (1) which relates to—
- (a) his own conditions of service;
 - (b) the remuneration and allowances payable to him.
- (4) If the chief executive or an executive member is a person seconded to the Agency his conditions of service and the remuneration and allowances payable to him must be determined by agreement between his employer and the Agency.

Disqualification for appointment

- 10 (1) The Secretary of State may by regulations make provision as to the circumstances in which a person is disqualified for being the chairman or a non-executive member of the Agency.

Status: Point in time view as at 31/01/2005. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

- (2) But the Secretary of State must not act under this paragraph unless he first consults each of the devolved authorities.

Commencement Information

I4 Sch. 1 para. 10 in force at 31.1.2005 for specified purposes by S.I. 2005/121, art. 2(1)(a)

VALID FROM 01/04/2013

Proceedings

- 11 (1) The Agency may appoint such committees and sub-committees as it thinks appropriate.
- (2) A committee or sub-committee may include or consist of persons who are not members of the Agency.
- (3) The Agency may delegate to a committee or sub-committee such of its functions as it thinks fit.
- (4) The Agency may make arrangements for the payment of such remuneration and allowances as it thinks fit to any person who is a member of a committee or sub-committee (whether or not he is also a member of the Agency).
- (5) This paragraph is subject to anything contained in a direction given by the Secretary of State.
- (6) But the Secretary of State must not act under sub-paragraph (5) unless he first consults each of the devolved authorities.
- 12 (1) The Agency may make such arrangements as it thinks fit with any other person for the discharge by that person of such of the functions of the Agency as are specified in the arrangements.
- (2) The arrangements may include such provision as the Agency thinks fit for the remuneration of such a person.
- 13 (1) The Agency may make such provision as it thinks fit to regulate its own proceedings.
- (2) This paragraph is subject to anything contained in a direction given by the Secretary of State.
- (3) But the Secretary of State must not give a direction to which sub-paragraph (2) applies unless he first consults each of the devolved authorities.
- 14 On any occasion when both the chairman and deputy chairman are, for any reason, unable to perform the duties of chairman the other members of the Agency may appoint one of the non-executive members to act in place of the chairman.
- 15 The Public Bodies (Admission to Meetings) Act 1960 (c. 67) applies to the Agency.
- 16 The validity of any proceedings of the Agency is not affected by—

Status: Point in time view as at 31/01/2005. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

- (a) any defect in the appointment of the chairman or a member of the Agency;
- (b) any vacancy in the office of chairman or in the membership of the Agency.

VALID FROM 01/04/2013

Staff

- 17 (1) The Agency may appoint such staff and on such conditions of service as it thinks fit.
- (2) A period of secondment on the staff of the Agency does not affect the continuity of a person's employment with the employer from whose service he is seconded.
- 18 A scheme maintained by the Atomic Energy Authority under paragraph 7(2) of Schedule 1 to the Atomic Energy Authority Act 1954 (c. 32) (pensions and pension schemes for officers and employees of the Authority) may apply to such of the Agency's employees as the Agency determines.

VALID FROM 01/04/2005

Finance

- 19 (1) The Secretary of State may pay to the Agency out of money provided by Parliament such sums as he thinks appropriate.
- (2) But in deciding any amount to be paid under sub-paragraph (1) the Secretary of State must take account of—
- (a) sums paid to the Agency by the Scottish Ministers under sub-paragraph (3);
 - (b) sums paid to the Agency by the Department of Health, Social Services and Public Safety in Northern Ireland under sub-paragraph (4);
 - (c) sums paid to the Agency by the National Assembly for Wales under sub-paragraph (5);
 - (d) any income received by the Agency from any other source.
- (3) The Scottish Ministers may pay to the Agency such sums as they think appropriate.
- (4) The Department of Health, Social Services and Public Safety in Northern Ireland may pay to the Agency such sums as the Department thinks appropriate.
- (5) The National Assembly for Wales may pay to the Agency such sums as the Assembly thinks appropriate.
- (6) A payment under this paragraph may be made at such time and subject to such conditions as the person making the payment thinks appropriate.

VALID FROM 01/04/2013

- 20 (1) The Secretary of State may make loans to the Agency out of money provided by Parliament.

Status: Point in time view as at 31/01/2005. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

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|----|---|
| | <p>(2) A devolved authority may make loans to the Agency.</p> <p>(3) A loan may be made on such terms (including terms as to repayment and interest) as the person making the loan decides.</p> |
| | VALID FROM 01/04/2013 |
| 21 | Sums received by the Agency under paragraph 19 or 20 must be applied by it in accordance with any direction given by the person making the payment or loan (as the case may be). |
| | VALID FROM 01/04/2013 |
| 22 | <p>(1) The Agency must keep accounts in such form as the Secretary of State decides.</p> <p>(2) The Agency must prepare annual accounts in respect of each financial year in such form as the Secretary of State decides.</p> <p>(3) Before the end of the specified period following each financial year to which the annual accounts relate the Agency must send a copy of the annual accounts to—</p> <p style="margin-left: 2em;">(a) the Secretary of State;</p> <p style="margin-left: 2em;">(b) the Comptroller and Auditor General;</p> <p style="margin-left: 2em;">(c) each of the devolved authorities.</p> <p>(4) The Comptroller and Auditor General must—</p> <p style="margin-left: 2em;">(a) examine, certify and report on the annual accounts;</p> <p style="margin-left: 2em;">(b) lay a copy of the accounts and of his report before each House of Parliament;</p> <p style="margin-left: 2em;">(c) send a copy of his report to each of the devolved authorities.</p> <p>(5) The Scottish Ministers must lay a copy of the accounts and of the Comptroller and Auditor General’s report before the Scottish Parliament.</p> <p>(6) The Department of Health, Social Services and Public Safety in Northern Ireland must lay a copy of the accounts and of the Comptroller and Auditor General’s report before the Northern Ireland Assembly.</p> <p>(7) The specified period is such period as the Secretary of State directs.</p> <p>(8) The financial year is—</p> <p style="margin-left: 2em;">(a) the period starting on the day the Agency is established and ending on the next 31st March;</p> <p style="margin-left: 2em;">(b) each succeeding period of 12 months.</p> |
| 23 | <p>(1) The Auditor General for Wales and the Auditor General for Scotland may each require—</p> <p style="margin-left: 2em;">(a) the Agency to give him access to the accounts at all reasonable times;</p> <p style="margin-left: 2em;">(b) any person who has functions in relation to the accounts to provide him with reasonable assistance in the exercise of his functions.</p> |

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Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

- (2) A requirement under this paragraph must not be made unless the person proposing to make the requirement first consults the Comptroller and Auditor General.

VALID FROM 01/04/2013

Annual report

- 24 (1) The Agency must as soon as possible after the end of each financial year prepare and send to the Secretary of State a report on the carrying out of its functions during that year.
- (2) The Agency must provide the Secretary of State with such other reports and information as he directs relating to the exercise of its functions.
- (3) The Secretary of State must lay before each House of Parliament a copy of every report sent to him under sub-paragraph (1).
- (4) In this paragraph and in paragraphs 25 to 27 financial year has the same meaning as in paragraph 22.
- 25 (1) The Agency must as soon as possible after the end of each financial year prepare and send to the Scottish Ministers a report on the carrying out of such functions as it has which are exercisable within devolved competence (within the meaning of the Scotland Act 1998 (c. 46)) during that year.
- (2) The Agency must provide the Scottish Ministers with such other reports and information as they direct relating to the exercise of such functions as are so exercisable.
- (3) The Scottish Ministers must lay before the Scottish Parliament a copy of every report sent to them under sub-paragraph (1).
- 26 (1) The Agency must as soon as possible after the end of each financial year prepare and send to the Department of Health, Social Services and Public Safety in Northern Ireland a report on the carrying out of such functions as it has which relate to a transferred matter (within the meaning of section 4 of the Northern Ireland Act 1998 (c. 47)).
- (2) The Agency must provide the Department with such other reports and information as the Department directs relating to the exercise of such functions.
- (3) The Department must lay before the Northern Ireland Assembly a copy of every report sent to it under sub-paragraph (1).
- 27 (1) The Agency must as soon as possible after the end of each financial year prepare and send to the National Assembly for Wales a report on the carrying out of its functions in relation to Wales during that year.
- (2) The Agency must provide the Assembly with such other reports and information as the Assembly directs relating to the exercise of its functions in relation to Wales.

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Changes to legislation: There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1. (See end of Document for details)

VALID FROM 01/04/2013

Authentication of seal

- 28 (1) The application of the Agency's seal is authenticated by the signature of the chairman or another member of the Agency.
- (2) A document purporting to be duly executed under the seal of the Agency or to be signed on behalf of the Agency must be received in evidence and (except to the extent that the contrary is shown) taken to be duly so executed or signed.
- (3) This paragraph does not apply in relation to Scotland.

Regulations

- 29 (1) A power to make regulations under this Schedule must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Regulations may make different provision for different purposes.

Commencement Information

I5 [Sch. 1 para. 29](#) in force at 31.1.2005 for specified purposes by [S.I. 2005/121](#), [art. 2\(1\)\(a\)](#)

Devolved authorities

- 30 Each of the following is a devolved authority—
- (a) the Scottish Ministers;
 - (b) the Department of Health, Social Services and Public Safety in Northern Ireland;
 - (c) the National Assembly for Wales.

Commencement Information

I6 [Sch. 1 para. 30](#) in force at 31.1.2005 for specified purposes by [S.I. 2005/121](#), [art. 2\(1\)\(a\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Health Protection Agency Act 2004, SCHEDULE 1.