



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 2

#### FURTHER PROVISION ABOUT PUBLIC HEALTH

#### **56 Abolition of Health Protection Agency**

- (1) The Health Protection Agency is abolished.
- (2) The Health Protection Agency Act 2004 is repealed.
- (3) Subsection (2) does not apply to—
  - (a) paragraph 3 of Schedule 3 to that Act (which amends Schedule 2 to the Immigration Act 1971), and
  - (b) section 11(1) of that Act so far as it gives effect to that paragraph.
- (4) Schedule 7 (which makes amendments of other enactments in consequence of the provision made by this section) has effect.

#### **57 Functions in relation to biological substances**

- (1) The appropriate authority must—
  - (a) devise standards for the purity and potency of biological substances,
  - (b) prepare, approve, hold and distribute standard preparations of biological substances,
  - (c) design appropriate procedures for testing biological substances,
  - (d) provide or arrange for the provision of laboratory facilities for testing biological substances,
  - (e) carry out tests on biological substances,
  - (f) examine records kept in connection with the manufacture and quality control of biological substances,
  - (g) report on the results of tests or examinations conducted in pursuance of paragraph (e) or (f), and

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- (h) carry out or arrange for the carrying out of such research, or provide or arrange for the provision of such information or training, as it considers appropriate in connection with the functions mentioned in paragraphs (a) to (g).
- (2) The appropriate authority may do anything which it considers is appropriate for facilitating, or incidental or conducive to, the exercise of any of its functions under this section.
- (3) Subsections (4) and (5) apply to any person that exercises functions similar to those of the appropriate authority under this section (whether or not in relation to the United Kingdom).
- (4) The appropriate authority must co-operate with the person in the exercise of those functions.
- (5) The person must co-operate with the appropriate authority in the exercise of the authority's functions under this section.
- (6) The appropriate authority may make charges (whether or not on a commercial basis) in respect of anything done by it under this section.
- (7) Any function conferred on the appropriate authority by this section may be performed by either the Secretary of State or the Department of Health, Social Services and Public Safety in Northern Ireland acting alone or both of them acting jointly (and references in this section to the appropriate authority are to be construed accordingly).
- (8) 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.

## **58 Radiation protection functions**

- (1) The appropriate authority must take such steps as it considers appropriate for the purposes of protecting the public from radiation (whether ionising or not).
- (2) The steps that may be taken under subsection (1) include—
  - (a) the conduct of research or such other steps as the appropriate authority considers appropriate for advancing knowledge and understanding;
  - (b) providing technical services (whether in laboratories or otherwise);
  - (c) providing services for the prevention, diagnosis or treatment of illness arising from exposure to radiation;
  - (d) providing training;
  - (e) providing information and advice;
  - (f) making available the services of any person or any facilities.
- (3) The appropriate authority may do anything which it considers appropriate for facilitating, or incidental or conducive to, the exercise of any of its functions under this section.
- (4) The appropriate authority may make charges (whether or not on a commercial basis) in respect of anything done by it under this section.
- (5) In the exercise of any function under this section which relates to a matter in respect of which a Health and Safety body has a function, the appropriate authority must—
  - (a) consult the body, and

- (b) have regard to the body’s policies.
- (6) Each of the following is a Health and Safety body—
  - (a) the Health and Safety Executive;
  - (b) the Health and Safety Executive for Northern Ireland.
- (7) In subsection (2)(f), “facilities” has the same meaning as in the National Health Service Act 2006.
- (8) In this section, “the appropriate authority” means—
  - (a) the Scottish Ministers to the extent that the functions are exercisable within devolved competence (within the meaning of the Scotland Act 1998);
  - (b) the Department of Health, Social Services and Public Safety in Northern Ireland to the extent that the functions relate to a transferred matter (within the meaning of the Northern Ireland Act 1998);
  - (c) the Secretary of State in any other case.
- (9) In this section, “the public” means—
  - (a) where the appropriate authority is the Secretary of State, the public in Wales, Scotland and Northern Ireland,
  - (b) where the appropriate authority is the Scottish Ministers, the public in Scotland, and
  - (c) where the appropriate authority is the Department of Health, Social Services and Public Safety in Northern Ireland, the public in Northern Ireland.
- (10) This section does not apply in relation to England.

## **59 Repeal of AIDS (Control) Act 1987**

- (1) The AIDS (Control) Act 1987 is repealed.
- (2) The AIDS (Control) (Northern Ireland) Order 1987 ([S.I. 1987/1832 \(N.I. 18\)](#)) is revoked.

## **60 Co-operation with bodies exercising functions in relation to public health**

- (1) In Part 13 of the National Health Service Act 2006, before section 248 (and the cross-heading preceding it) insert—

### *“Co-operation in relation to public health functions*

#### **247B Co-operation in relation to public health functions**

- (1) This section applies to any body or other person that exercises functions similar to those of the Secretary of State under section 2A (whether or not in relation to the United Kingdom).
- (2) The Secretary of State must co-operate with the body or other person in the exercise by it of those functions.
- (3) If the Secretary of State acts under subsection (2) at the request of the body or other person, the Secretary of State may impose charges in respect of any costs incurred by the Secretary of State in doing so.

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- (4) The body or other person must co-operate with the Secretary of State in the exercise by the Secretary of State of functions under section 2A.
  - (5) If the body or other person acts under subsection (4) at the request of the Secretary of State, it may impose charges in respect of any costs incurred by it in doing so.”
- (2) In section 271 of that Act (territorial limit of exercise of functions), in subsection (3) after paragraph (d) insert—
- “(da) section 247B (co-operation in relation to public health functions),”.