

EXPLANATORY MEMORANDUM TO THE

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003 (PUBLIC HEALTH LABORATORY SERVICE BOARD) (CONSEQUENTIAL PROVISIONS) ORDER 2005

2005 No. 1622

1 This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2 Description

2.1 The Public Health Laboratory Service Board was abolished on 1st April 2005. This Order provides for the Secretary of State to prepare the final annual accounts of the Board and for the accounts to be audited by the Comptroller and Auditor General. It also revokes unnecessary references to the PHLs Board in other secondary legislation.

3 Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4 Legislative Background

4.1 The Public Health Laboratory Service Board was abolished on 1st April 2005 by the coming into force of section 190 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and related provisions. This was achieved by the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 6) Order 2005 (S.I. 2005/457 (C.22)).

4.2 This order makes consequential provision for preparation and audit of the annual accounts of the Board for the year ending on 31st March 2005. It also revokes unnecessary references to the Board in other secondary legislation.

5 Extent

5.1 This instrument applies to England and Wales.

6 European Convention on Human Rights

6.1 Not applicable. The order does not amend primary legislation.

7 **Policy Background**

General

- 7.1 The abolition of the PHLS Board followed the transfer of most of its functions to the Health Protection Agency and the NHS in April 2003, and the subsequent sale of PHLS media services to Oxoid Ltd between August 2004 and March 2005 which removed its one remaining function. The legislation relating to the former PHLS Board included a requirement for the Board to prepare annual accounts and for the Comptroller and Auditor General to carry out audits of the accounts.
- 7.2 These requirements were removed with the abolition of the Board and the repeal of its legislation, in April 2005. That abolition left the Secretary of State with responsibility for the property, rights and liabilities of the Board.
- 7.3 This Order confirms that the Secretary of State must prepare the annual accounts of the PHLS Board for the year ending on 31st March 2005.
- 7.4 The Order also provides for the Comptroller and Auditor General to carry out an audit of the accounts and to lay sets of these accounts before Parliament, and removes unnecessary references to the PHLS Board in other secondary legislation.
- 7.5 This instrument is of limited public interest but it makes provision for proper accountability of the funds managed by the Board.

8 **Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9 **Contact**

Brian Bradley at the Department of Health, tel 020 7972 5304 (email brian.bradley@dh.gsi.gov.uk can answer any queries regarding the instrument.