

2006 No. 559

PUBLIC HEALTH

**The Health Protection Agency (Scottish Health Functions)
Order 2006**

Made - - - - - *23rd November 2006*

Laid before the Scottish Parliament *24th November 2006*

Coming into force - - - *18th December 2006*

The Scottish Ministers, in exercise of the powers conferred by section 2(7) of the Health Protection Agency Act 2004(a) and of all other powers enabling them in that behalf, and having secured the agreement of the Secretary of State in accordance with section 2(8)(a) of that Act, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health Protection Agency (Scottish Health Functions) Order 2006 and shall come into force on 18th December 2006.

(2) In this Order:—

“chemicals authority” means any person or body which exercises statutory functions or performs statutory duties of a public nature in Scotland in relation to chemicals;

“health care professional” means a member of a profession which is regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(b); and

“public health authority” means any person or body which exercises statutory functions or performs statutory duties of a public nature in Scotland in relation to the protection of the community (or any part of the community) against any danger to health.

Additional functions

2. There are conferred on the Health Protection Agency the following functions:

- (a) the provision of advisory services to chemicals authorities in relation to:
 - (i) the human health effects from chemicals in air, water, soil and waste; and
 - (ii) the protection of people in Scotland from these effects;
- (b) the provision of advisory services and support to chemicals authorities in relation to chemical incidents in Scotland;
- (c) the provision of advisory services to health care professionals in Scotland in relation to the toxicology of chemical substances;

(a) 2004 c.17.
(b) 2002 c.17.

- (d) the provision of advisory services to health care professionals in Scotland in relation to the clinical management of patients who have been poisoned; and
- (e) the provision of advisory services to public health authorities in relation to planning for public health emergencies in Scotland, to include:
 - (i) the provision of training, exercising and support services in preparing for incidents; and
 - (ii) the provision of advisory services and support for responding to incidents.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
23rd November 2006

EXPLANATORY NOTE

(This note is not part of the Order)

Section 2(7) of the Health Protection Agency Act 2004 (“the Act”) enables 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: (a) the functions of 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 confer upon the Agency under article 2 of this Order the function of providing certain advisory services as specified therein. The services specified in article 2 may be grouped into three broad categories, namely chemical advisory services, poisons advisory services and emergencies advisory, training and support services.

The Common Services Agency will continue to have the general function of providing information and advisory services in support of the functions of the Scottish Ministers and Health Boards under the National Health Service (Functions of the Common Services Agency (Scotland) Order 1974 (S.I. 1974/467) (as amended) (“the CSA functions order”), but that function is now subject to where the Agency is exercising functions under this Order. The CSA functions order has been amended to reflect these new arrangements for Scotland, whereby the provision of chemical advisory services, poisons advisory services and emergencies advisory and support services will be carried out not only by the Common Services Agency but also by the Agency.

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

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