

EXECUTIVE NOTE

The Health Protection Agency (Scottish Health Functions) Order 2006 SSI/2006/559

The above instrument was made in exercise of the powers conferred by section 2(7) of the Health Protection Agency Act 2004 (“the 2004 Act”) and of all other enabling powers, and with the agreement of the Secretary of State in accordance with section 2(8)(a) of that Act. The instrument is subject to negative resolution procedure.

Background

The Common Services Agency (“CSA”) has a broad function, by virtue of the National Health Service (Functions of the Common Services Agency) (Scotland) Order 1974 (as amended), of providing information, advisory and management services in support of the functions of the Scottish Ministers and health boards. As part of that function, the CSA advises and supports health care professionals and public health authorities in Scotland in relation to the provision of chemical advisory services, poisons advisory services and emergencies advisory and support services. In practical terms, these advisory services are performed by Health Protection Scotland (“HPS”), a division of the CSA.

The Health Protection Agency (“HPA”) is a UK-wide non-departmental public body, established under the 2004 Act. The HPA has health functions (section 2 of the 2004 Act) and radiation protection functions (section 3 of the 2004 Act), intended to improve the UK's ability to tackle the problems posed by infectious disease and other hazards, including the UK's response to chemical, biological, radiological and nuclear (CBRN) terrorism. Health being a devolved matter, the HPA's health functions, which include protection of the community (or any part of the community) against infectious disease and other dangers to health, and the provision of assistance to any other persons who exercise functions in that regard, are exercised in relation to England and Wales only. However, provision is made under section 2(7) of the 2004 Act for Scottish Ministers to be able to confer health functions on the HPA.

Policy Intention

Whilst HPS currently advises and supports relevant professionals and authorities in Scotland in relation to the provision of chemical advisory services, poisons advisory services and emergencies advisory and support services, as above they will seek specialist advice from the HPA who are the only UK body who can offer the appropriate level of expertise in these areas. These integrated arrangements are intended to ensure that there are consistent levels of support across the UK.

This instrument therefore confers on the HPA the function of providing certain advisory services as specified therein, which may be grouped into three broad categories, namely chemical advisory services, poisons advisory services and emergencies advisory, training and support services. An ancillary amendment is being made to the CSA Functions Order, to come into force on the same date, which will make the exercise of the CSA's existing broad function by HPS of providing information, advisory and management services subject to where the HPA is exercising functions under this instrument. The package of the two

instruments therefore gives effect to the policy intention of the 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 HPS but also by the HPA.

Consultation

Department of Health, Health Protection Agency and Health Protection Scotland have been consulted on the effects of the instrument. The agreement of the Secretary of State to the making of this instrument has also been secured in accordance with section 2(8) of the Health Protection Agency Act 2004.

Financial Effects

This instrument places no financial burdens on businesses, local authorities, charities or the voluntary sector. A contribution is made by the Scottish Executive and the Common Services Agency to the Health Protection Agency to cover the costs of provision in Scotland.

Scottish Executive Health Department
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