

2005 No. 121 (C.5)

PUBLIC HEALTH

**The Health Protection Agency Act 2004 (Commencement)
Order 2005**

Made - - - -

26th January 2005

The Secretary of State for Health, after consultation with the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland and the National Assembly for Wales, in exercise of the powers conferred upon him by section 12(1) and (2) of the Health Protection Agency Act 2004(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Health Protection Agency Act 2004 (Commencement) Order 2005.

(2) In this Order “the Act” means the Health Protection Agency Act 2004.

Appointed days

2.—(1) 31st January 2005 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 1(2) (Health Protection Agency) in so far as it relates to the making of regulations pursuant to the provisions of paragraphs 1(6) and (7) and 3(1) and (2) (membership of the Agency), 8(1), (2) and (4) (terms of appointment), 10(1) and (2) (disqualification for appointment), 29 (regulations) and 30 (devolved authorities) of Schedule 1 to the Act;
- (b) section 2(2)(a) and (3) (health functions) for the purposes of making regulations giving directions (after consultation with the National Assembly for Wales);
- (c) section 3(2), (3) and (6) (radiation protection functions) and section 6 (appropriate authority) for the purposes of enabling the appropriate authority to give directions;
- (d) section 8 (1) to (4) and (12) and Schedule 2 to the Act (transfer of property and staff, etc.); and
- (e) section 9 (directions).

(2) 1st April 2005 is the day appointed for the coming into force of all provisions of the Act, in so far as they are not already in force, except paragraph 1 of Schedule 3 to the Act (Parliamentary Commissioner Act 1967 (c. 13)).

(a) 2004 (c. 17).

Signed by authority of the Secretary of State for Health

26th January 2005

Melanie Johnson
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Health Protection Agency Act 2004 (“the Act”).

Article 2(1)(a) brings into force on 31st January 2005 section 1(2) of the Act and relevant paragraphs of Schedule 1 to the Act, for the purpose of making regulations concerned with the membership of the Health Protection Agency (“the Agency”), and the terms of appointment of, disqualification for appointment of, payments by the Agency to, and termination of tenure of office of the chairman and non-executive members of the Agency. It also brings into force on that date for that purpose provisions that impose duties on the Secretary of State to consult the devolved authorities before making such regulations.

Article 2(1)(b) brings into force on 31st January section 2(2)(a) and (3) of the Act (health functions) for the purposes of enabling the Secretary of State to give directions in regulations made by statutory instrument (after consultation with the National Assembly for Wales) regarding certain health functions. Articles 2(1)(c) and (e) bring into force on that date section 3(2), (3) and (6) (radiation protection functions), section 6 (appropriate authority) and section 9 (directions) for the purposes of enabling the appropriate authority to give directions. Article 2(1)(d) brings into force on that date provisions relating to schemes for the transfer of property, rights and liabilities of specified bodies.

Article 2(2) brings into force on 1st April the provisions of the Act other than paragraph 1 of Schedule 3, so far as they are not already in force.

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