

Draft Regulations laid before Parliament under section 272(6) of the National Health Service Act 2006 and Schedule 8, paragraph 13(1) to the European Union (Withdrawal) Act 2018 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. 0000

HEALTH

PUBLIC HEALTH

The Public Health England (Dissolution) (Consequential Amendments) Regulations 2023

Made - - - - *****

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 15(1) and (2) and 82(3)(a) of, and paragraph 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a), sections 67(b), 69(c), 77(3)(d) and (4) and 213(2)(e) of the Water Industry Act 1991, section 2 of, and paragraph 20(1)(b) and (2)(s) of Schedule 1 to, the Pollution

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- (a) 1974 c. 37. Section 15(1) was substituted by paragraph 6 of Schedule 15 to the Employment Protection Act 1975 (c. 71) and amended by S.I. 2002/794. Section 15(2) was amended by paragraph 5 of Schedule 12 to the Energy Act 2013 (c. 32). Section 82(3) was amended by the Railways and Transport Safety Act 2003 (c. 20) and the Deregulation Act 2015 (c. 20).
- (b) 1991 c. 56 (“the 1991 Act”). The functions of the Secretary of State under section 67 of the 1991 Act were transferred, by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), to the National Assembly for Wales (now known as the Senedd by virtue of section 1 of the Government of Wales Act 2006 (c. 32) as amended by section 2 of the Senedd and Elections (Wales) Act 2020 (2020 anaw 1)). Those powers were transferred in respect of: (a) the making of regulations concerning water supplied using the supply system of a water undertaker, in relation to the supply system of any water undertaker whose area is wholly or mainly in Wales; and (b) the making of regulations concerning water supplied other than using the supply system of a water undertaker, in relation to Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006, those functions are now exercisable by the Welsh Ministers.
- (c) Section 69 of the Water Industry Act 1991 was amended by paragraph 19 of Schedule 8, and Part 3 of Schedule 9, to the Water Act 2003 (c. 37), and paragraph 68 of Schedule 7 to the Water Act 2014 (c. 21). The functions of the Secretary of State under section 69 were, in relation to any water undertaker whose area is wholly or mainly in Wales and any licensed water supplier so far as relating to licensed activities using the supply system of any such water undertaker, transferred to the Assembly by the same provisions of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) referred to in footnote (b), and are now exercisable by the Welsh Ministers.
- (d) The functions of the Secretary of State under section 77 were, so far as exercisable in relation to Wales, transferred to the Assembly by the same provisions of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) referred to in footnote (b), and are now exercisable by the Welsh Ministers.
- (e) Section 213(2) of the Water Industry Act 1991 was amended by paragraph 28 of Schedule 1 to the Competition and Service (Utilities) Act 1992 (c. 43), section 36(2) of, and paragraph 49 of Schedule 8 to, the Water Act 2003 and paragraph 119(4) of Schedule 7 to the Water Act 2014. Under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), functions of a Minister of the Crown under section 213 are exercisable by the Assembly to the same extent as the powers, duties and other provisions to which that section applies are exercisable by the Assembly, and are now exercisable by the Welsh Ministers.

Prevention and Control Act 1999(a) and sections 6C(1) to (3) and 272(7) and (8) of the National Health Service Act 2006(b).

In relation to the amendment made by regulation 2 of these Regulations, in accordance with section 2(4) of the Pollution Prevention and Control Act 1999(c), the Secretary of State has consulted—

- (a) the Environment Agency;
- (b) the Natural Resources Body for Wales;
- (c) such bodies or persons appearing to the Secretary of State to be representative of the interests of local government, industry, agriculture and small businesses, respectively, as he considered appropriate; and
- (d) such other bodies or persons as the Secretary of State considered appropriate.

The Secretary of State makes the amendment in regulation 4 of these Regulations for the purpose of giving effect, without modifications, to proposals submitted by the Health and Safety Executive under section 11(3) of the Health and Safety at Work etc. Act 1974, the Health and Safety Executive having consulted on those proposals before submitting them to the Secretary of State in accordance with section 50(3)(d) of that Act.

In accordance with section 272(6) of the National Health Service Act 2006 and paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018(e), a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Health England (Dissolution) (Consequential Amendments) Regulations 2023 and come into force on the twenty-first day after the day on which they are made.

(2) Any amendment made by these Regulations has the same extent as the provision amended.

Amendment to the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009

2. In regulation 2 (interpretation) of the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009(f), in the definition of “health authority”, in paragraph (a), for “Public Health England” substitute “the United Kingdom Health Security Agency”.

Amendment to the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

3. In regulation 8(3) (protecting the health of the local population) of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives)

(a) 1999 c. 24. In section 2(4), paragraph (a) was amended by, and paragraph (aa) inserted by, S.I. 2013/755. Paragraph 20(1)(b) of Schedule 1 was substituted by S.I. 2019/458. Paragraph 20(2) of Schedule 1 was amended by S.I. 2018/942 and 2019/458.

(b) 2006 c. 41. Section 6C was inserted by section 18(1) of the Health and Social Care Act 2012 (2012 c. 7).

(c) In section 2(4), paragraph (a) was amended by, and paragraph (aa) inserted by, S.I. 2013/755.

(d) Section 50(3) was amended by paragraph 16 of Schedule 15 to the Employment Protection 1975, paragraph 6 of Schedule 7 to the Health and Social Care 2012, paragraph 11(4) of Schedule 12 to the Energy Act 2013 and by S.I. 2008/960.

(e) 2018 c. 16. Paragraph 13(1) of Schedule 8 was amended by paragraphs 38, and 54(1) and (8) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(f) S.I. 2009/1927. In regulation 2, in the definition of “health authority”, paragraph (a) was substituted by S.I. 2013/235 and amended by S.I. 2018/378 and S.I. 2022/634.

Regulations 2013(a), in the definition of “responsible person”, in paragraph (e), for “Public Health England” substitute “the United Kingdom Health Security Agency”.

Amendments to the Control of Major Accident Hazards Regulations 2015

4. In each of regulations 12(5)(e) (preparation, review and testing of internal emergency plans), 13(7)(d) (preparation of external emergency plans) and 14(3)(a) (review and testing of external emergency plans) of the Control of Major Accident Hazards Regulations 2015(b), for “Public Health England” substitute “the United Kingdom Health Security Agency”.

Amendments to the Water Supply (Water Quality) Regulations 2016

5. In the Water Supply (Water Quality) Regulations 2016(c)—

(a) in regulation 2(1) (interpretation)—

(i) omit the definition of “Public Health England”, and

(ii) after the definition of “supply system” insert the following definition—

““the United Kingdom Health Security Agency” means the executive agency of that name of the Department of Health and Social Care;”;

(b) in each of regulations 22(4)(b) (authorisation of temporary supply of water that is not wholesome), 25(2)(d) (revocation and variation of authorisations) and 35(6)(a)(ii) (provision of information), for “Public Health England” substitute “the United Kingdom Health Security Agency”.

Amendments to the Private Water Supplies (England) Regulations 2016

6. In the Private Water Supplies (England) Regulations 2016(d)—

(a) in regulation 2(1) (interpretation), after the definition of “risk assessment” insert the following definition—

““the United Kingdom Health Security Agency” means the executive agency of that name of the Department of Health and Social Care;”;

(b) in each of regulation 17(2)(b) (authorisations of different standards) and paragraph 1(1)(h) of Schedule 4 (records), for “Public Health England” substitute “the United Kingdom Health Security Agency”.

Date

Name

Parliamentary Under Secretary of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to various regulations in consequence of the dissolution of Public Health England, an executive agency of the Department of Health and Social Care, and the establishment of the United Kingdom Health Security Agency, also an executive agency of the Department of Health and Social Care.

(a) S.I. 2013/351, amended by S.I. 2018/378. There are other amending instruments but none is relevant.

(b) S.I. 2015/483, amended by S.I. 2018/378. There are other amending instruments but none is relevant.

(c) S.I. 2016/614, amended by S.I. 2017/506 and 2018/378, and applied to the Isles of Scilly by S.I. 2020/214. There are other amending instruments but none is relevant.

(d) S.I. 2016/618, applied to the Isles of Scilly by S.I. 2020/214. There are amending instruments but none is relevant.

A regulatory impact assessment has not been prepared for these Regulations as no impact on the private or voluntary sectors is foreseen.

An explanatory memorandum has been prepared and is available alongside this instrument on the website, www.legislation.gov.uk.

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