



Greater London Authority Act 2007

2007 CHAPTER 24

PART 4

HEALTH

The Health Adviser and the Deputy Health Advisers

21 The Health Adviser and the Deputy Health Advisers

(1) After section 309 of the GLA Act 1999 insert—

“PART 5A

HEALTH

The Health Adviser and the Deputy Health Advisers

309A The Health Adviser

- (1) There shall be an officer to be known as the Health Adviser to the Greater London Authority (“the Health Adviser”).
- (2) It shall be the function of the Health Adviser to provide any person falling within subsection (3) below with advice in relation to any of the following—
 - (a) anything that appears to the Health Adviser to be a major health issue,
 - (b) the performance of any person's functions under or by virtue of this Act, so far as relating to health,
 - (c) the implementation of the provisions of this Act which impose duties in relation to health inequalities between persons living in Greater London (see, in particular, sections 30, 41 and 309E to 309H).
- (3) The persons are—

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- (a) the Authority,
 - (b) the Mayor,
 - (c) any Assembly member,
 - (d) any functional body.
- (4) The Health Adviser shall also have such other functions as may be conferred or imposed on him by or under this Act or any other Act (whenever passed).
- (5) Any function exercisable by the Health Adviser is also exercisable by a Deputy Health Adviser (see section 309C) if or to the extent that the Health Adviser so authorises, whether generally or specially, and subject to any conditions imposed by the Health Adviser.
- (6) Any authorisation under subsection (5) above—
- (a) must be in writing, and
 - (b) may be varied or revoked, in writing, at any time by the Health Adviser.

309B The Health Adviser: identity and appointment

- (1) The person who is the Health Adviser at any time is to be the person who at that time is in the employment of the Civil Service of the State in the post of Regional Director of Public Health for London.
- (2) If there ceases to be a post in the Civil Service of the State known as Regional Director of Public Health for London, any reference in this section to that post is to be taken as a reference to that post in the Civil Service of the State which corresponds, or most closely corresponds, to that of Regional Director of Public Health for London.
- (3) If any question arises as to which one of two or more persons is to be the Health Adviser, the Secretary of State may designate one of them to be the Health Adviser.
- (4) If there ceases to be any post in the Civil Service of the State which corresponds, or reasonably closely corresponds, to that of Regional Director of Public Health for London, subsection (5) below applies.
- (5) In any such case, the Health Adviser is to be such person as the Secretary of State may appoint from among persons who appear to him to meet the conditions in subsection (6) below.
- (6) The conditions are that the person—
- (a) is in the employment of the Civil Service of the State or is employed in the National Health Service, and
 - (b) in either case, holds a senior post in which he has strategic responsibilities for public health throughout Greater London.
- (7) If at any time a person appointed under subsection (5) above ceases to hold the post mentioned in subsection (6)(b) above, then at that time he also ceases to be the Health Adviser.
- (8) Nothing in this section implies that a person who ceases to be the Health Adviser at any time may not again be the Health Adviser at any subsequent time.

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- (9) The functions of the Health Adviser at any time are functions of his in the course of his employment at that time in the Civil Service of the State or, as the case may be, in the National Health Service.

309C The Deputy Health Advisers

- (1) There shall also be one or more officers to be known as Deputy Health Advisers to the Greater London Authority (“Deputy Health Advisers”).
- (2) The Secretary of State is to appoint one of the Deputy Health Advisers to exercise the functions of the Health Adviser at any time when—
- (a) there is a vacancy in the position of Health Adviser, or
 - (b) the person who is the Health Adviser is incapable of discharging the functions of Health Adviser.
- (3) Any of the Deputy Health Advisers may exercise functions of the Health Adviser at any time when he is authorised to do so by virtue of an authorisation given by the Health Adviser under subsection (5) of section 309A above.
- (4) Any exercise of a function by a Deputy Health Adviser by virtue only of such an authorisation must be in accordance with the authorisation and any conditions imposed by the Health Adviser under that subsection.
- (5) A Deputy Health Adviser shall also have such other functions as may be conferred or imposed on him by or under this Act or any other Act (whenever passed).

309D Deputy Health Advisers: identity and appointment

- (1) The persons who are Deputy Health Advisers at any time are to be the persons who at that time are in the employment of the Civil Service of the State in any of the posts of Deputy Regional Director of Public Health for London.
- (2) If there cease to be any posts in the Civil Service of the State known as Deputy Regional Director of Public Health for London, any reference in this section to those posts is to be taken as a reference to the post or posts in the Civil Service of the State which correspond, or most closely correspond, to the posts of Deputy Regional Director of Public Health for London.
- (3) If any question arises as to which of two or more persons are to be the Deputy Health Advisers, the Secretary of State may designate one or more of them to be the Deputy Health Advisers.
- (4) If there cease to be any posts in the Civil Service of the State which correspond, or reasonably closely correspond, to that of Deputy Regional Director of Public Health for London, subsection (5) below applies.
- (5) In any such case, the Deputy Health Advisers are to be such one or more persons as the Secretary of State may appoint from among persons who appear to him to meet the conditions in subsection (6) below.
- (6) The conditions are that the person is not the Health Adviser but—
- (a) is in the employment of the Civil Service of the State or is employed in the National Health Service, and

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- (b) in either case, holds a senior post in which he has strategic responsibilities for public health throughout Greater London.
- (7) If at any time a person appointed under subsection (5) above ceases to hold the post mentioned in subsection (6)(b) above, then at that time he also ceases to be a Deputy Health Adviser.
- (8) Nothing in this section implies that a person who ceases to be a Deputy Health Adviser at any time may not again be a Deputy Health Adviser at any subsequent time.
- (9) The functions of a Deputy Health Adviser at any time are functions of his in the course of his employment at that time in the Civil Service of the State or, as the case may be, in the National Health Service.”.
- (2) In section 424 of the GLA Act 1999 (interpretation), in subsection (1), insert each of the following definitions at the appropriate place—
- ““Deputy Health Adviser” is to be read in accordance with sections 309C and 309D above;”,
- ““Health Adviser” is to be read in accordance with sections 309A and 309B above;”.

Commencement Information

II S. 21 in force at 21.1.2008 by S.I. 2008/113, art. 2(d)

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