
STATUTORY INSTRUMENTS

2010 No. 813

**The Health and Social Care Act 2008
(Consequential Amendments No.2) Order 2010**

Amendment of the Health Protection Agency Act 2004

15. For section 10 of the Health Protection Agency Act 2004 (health care provision: standards)⁽¹⁾ substitute—

“**10.**—(1) Insofar as any health care is provided by or for the Agency in England, the Agency is to be treated for the purposes of Chapters 3, 5 and 6 of Part 1 of the 2008 Act as a Primary Care Trust.

(2) For the purposes of subsection (1), “health care” must be construed in accordance with section 97(1) and (2) of the 2008 Act.

(3) Section 54 of the 2008 Act (studies as to economy, efficiency etc.) does not apply to the Agency.

(4) Insofar as any health care is provided by or for the Agency in Wales, the Agency is to be treated for the purposes of Chapters 2 and 4 of Part 2 of the 2003 Act as a Welsh NHS body.

(5) For the purposes of subsection (4), “health care” must be construed in accordance with section 45 of the 2003 Act.

(6) The references in section 71 of the 2003 Act (reporting to the Secretary of State and regulator) to special measures are, in relation to the Agency, references to anything that may be done by the appropriate authority in pursuance of section 4 above.

(7) This section does not extend to Scotland and Northern Ireland.

(8) In this section—

“the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003; and

“the 2008 Act” means the Health and Social Care Act 2008.”.