



# Public Health Act (Northern Ireland) 1967

## 1967 CHAPTER 36

### PART I

#### INFECTIOUS DISEASES

#### **1 Notifiable diseases.**

- (1) Subject to subsection (2), in this Part “notifiable disease” means a disease specified in Schedule 1.
- (2) The Ministry may by order amend Schedule 1 so as to—
  - (a) extend the application of the provisions of this Part which relate to notifiable diseases by adding, for the purpose of all or any of those provisions, any other infectious disease,
  - (b) restrict the application of all or any of those provisions by excluding, for all or any of the purposes thereof, any disease so specified.

#### **2 Duty of medical practitioner on diagnosis of notifiable disease.**

- (1) Every medical practitioner attending on a person shall as soon as he becomes aware, or has reasonable grounds for suspecting, that that person is suffering from a notifiable disease, send to [<sup>F1</sup>the Director of Public Health]<sup>F2</sup> . . . a certificate stating—
  - (a) the name, age, sex and address of the patient,
  - (b) the address of the building in which the examination took place, and
  - (c) the notifiable disease from which, in the opinion of the medical practitioner, the patient is, or may be, suffering.
- (2) The provisions of subsection (1) shall not apply where a medical practitioner diagnoses or suspects the occurrence of a notifiable disease in the Northern Ireland Fever Hospital or in any other hospital which the Ministry may designate for the purpose of this subsection.
- (3) Each [<sup>F3</sup>Regional Agency] shall supply a sufficient quantity of forms for the purposes of subsection (1) to every medical practitioner <sup>F4</sup> . . . .

*Status: Point in time view as at 23/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967. (See end of Document for details)*

- (4) [<sup>F5</sup>The Regional Agency] shall pay to a medical practitioner for each certificate duly sent by him under subsection (1) such fee as may be [<sup>F6</sup>determined by the Department, subject to such exceptions and conditions as may be so determined.]

F1	Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 2(1); S.R. 2009/114, art. 2
F2	Words in s. 2(1) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), Sch. 7; S.R. 2009/114, art. 2
F3	Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 2(2); S.R. 2009/114, art. 2
F4	Words in s. 2(3) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), Sch. 7; S.R. 2009/114, art. 2
F5	Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 2(2); S.R. 2009/114, art. 2
F6	1986 NI 24

#### [<sup>F7</sup>2A Regulations for control of certain diseases.

- (1) Subject to the provisions of this section, the Department may, as respects the whole or part of Northern Ireland, including coastal waters, make regulations—
- with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases, <sup>F8</sup> . . .
  - for preventing danger to public health from vessels or aircraft arriving at any place, [<sup>F9</sup> and
  - for preventing the spread of infection or contamination by means of any vessel or aircraft leaving any place, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country,]

so, however, that before making regulations under sub-paragraph (b) [<sup>F10</sup>or (c)] the Department shall consult, in the case of vessels, the Secretary of State.

[ For the purposes of subsection (1)(c) “contamination” means the presence of an <sup>F11</sup>(1A) infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk.]

- (2) Without prejudice to the generality of subsection (1), the Department may by any such regulations apply, with or without modifications, to any disease to which the regulations relate any enactment relating to the notification of disease or to notifiable or infectious diseases.
- (3) Regulations made under this section may provide for—
- the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease,
  - the questions to be answered by masters, pilots and other persons on board any vessel or aircraft as to cases of such disease on board during the voyage or on arrival,
  - requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection,
  - the detention of vessels or aircraft and of persons on board them,

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- (e) the duties to be performed in cases of such diseases by masters, pilots and other persons on board vessels or aircraft,  
and may authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.
- (4) Subject to section 2B, regulations made under this section—
- (a) shall provide for their enforcement and execution by [<sup>F12</sup>the Regional Agency], and
- (b) may also provide for their enforcement and execution by officers of customs and excise,  
but regulations so made shall require—
- (i) so far as they apply to officers of customs and excise, the consent of the Commissioners of Customs and Excise;
- (ii) so far as they apply to signals, in the case of vessels, the consent of the Secretary of State.
- (5) Subject to section 2B, the following persons, that is to say—
- (a) authorised officers of [<sup>F12</sup>the Regional Agency] as is specified by the regulations in accordance with subsection (4)(a), and
- (b) officers of customs and excise,  
may enter any premises for the purpose of executing, or superintending the execution of, regulations under this section.
- (6) Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulations made under this section shall be guilty of an offence and, in a case where no provision is made in the regulations for his punishment, be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) Where a person is convicted of an offence under subsection (6) and where that subsection is again contravened within one year after the conviction he shall be liable on summary conviction to a further fine not exceeding £50 for every day subsequent to the day on which he is first convicted of an offence under subsection (6) on which it is so contravened.

**F7** 1986 NI 24

**F8** Word in s. 2A(1)(a) omitted (6.5.2008) by virtue of Public Health (Amendment) Act (Northern Ireland) 2008 (c. 5), s. 1(2)(a)

**F9** S. 2A(1)(c) and preceding word inserted (6.5.2008) by Public Health (Amendment) Act (Northern Ireland) 2008 (c. 5), s. 1(2)(b)

**F10** Words in s. 2A(1) inserted (6.5.2008) by Public Health (Amendment) Act (Northern Ireland) 2008 (c. 5), s. 1(2)(c)

**F11** S. 2A(1A) inserted (6.5.2008) by Public Health (Amendment) Act (Northern Ireland) 2008 (c. 5), s. 1(3)

**F12** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 2(2); S.R. 2009/114, art. 2

## **2B Application of section 2A to certain aerodromes.**

- (1) In relation to aerodromes for the time being vested in or under the control of the Secretary of State and in relation to persons and aircraft arriving at any such aerodromes—

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- (a) subsection (4) of section 2A shall have effect as if, for paragraph (a) of that subsection, there were substituted—
    - “(a) may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State, and,”
  - (b) so much of that subsection as requires the consent of the Commissioners of Customs and Excise shall not apply, and
  - (c) subsection (5) of that section shall have effect as if, for paragraph (a) of that subsection, there were substituted—
    - “(a) officers designated in accordance with subsection (4)(a) (as modified by section 2B(1)(a)), and.”
- (2) In this section “aerodrome” has the meaning given by section 105(1) of the Civil Aviation Act 1982.]

F7 1986 NI 24

### 3 Power of resident magistrate to order medical investigation.

- (1) If a resident magistrate is satisfied, on the evidence of [F13the Director of Public Health]<sup>F14</sup> . . . , that—
- (a) there is reason to believe that some person <sup>F15</sup> . . . is, or has been, suffering from, or is a carrier of, a notifiable disease, and
  - (b) in the interest of that person, or in the interest of his family, or in the public interest, it is expedient that he should undergo a medical investigation, and
  - (c) that person is not under the treatment of a medical practitioner or that the medical practitioner who is treating him consents to the making of an order under this section,
- the magistrate may order that person to undergo a medical investigation by [F13the Director of Public Health], or by a medical practitioner nominated by [F13the Director of Public Health] and approved by the magistrate.
- (2) Any person who fails to comply with an order made under subsection (1) shall be guilty of an offence under this Part and shall, until such time as [F13the Director of Public Health] is satisfied that he is not suffering from a notifiable disease, or, as the case may be, is not a carrier of such a disease, be deemed—
- (a) for the purposes of sections 4 and 10, to be suffering, and to know that he is suffering, from a notifiable disease, and
  - (b) for the purposes of sections 4 to 15, to be a carrier of an infectious disease.

**F13** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)

**F14** Words in s. 3(1) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 33, 34(3), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

**F15** Words in s. 3(1)(a) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 33, 34(3), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

#### [F73A Removal to hospital of person with notifiable disease.

- (1) Where a resident magistrate is satisfied, on the application of [F16the Regional Agency] that a person is suffering from a notifiable disease and that serious risk of infection

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is thereby caused to other persons, the magistrate may order him to be removed to a hospital.

- (2) An order under this section may be addressed to an authorised officer and that officer and any other authorised officer may do all acts necessary for giving effect to the order.

**F7** 1986 NI 24

**F16** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 2\(2\)](#); S.R. 2009/114, [art. 2](#)

### **3B Detention in hospital of person with notifiable disease.**

- (1) Where a resident magistrate is satisfied, on the application of [<sup>F17</sup>the Regional Agency], that serious risk of infection would be caused to persons if an in-patient of a hospital who is suffering from a notifiable disease were to leave the hospital, the magistrate may order the in-patient to be detained in the hospital.
- (2) An order under subsection (1) may direct detention for a period specified in the order, but any resident magistrate may extend a period so specified as often as it appears to him to be necessary to do so.
- (3) Any person who leaves a hospital contrary to an order made under this section for his detention there shall be guilty of an offence under this Part and the court may order him to be taken back to hospital.
- (4) An order under this section may be addressed to an authorised officer and that officer and any other authorised officer may do all acts necessary for giving effect to the order.]

**F7** 1986 NI 24

**F17** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 2\(2\)](#); S.R. 2009/114, [art. 2](#)

### **4 Person suffering from, or carrier of, notifiable disease not to carry on occupation to danger of others.**

Any person who, knowing that he is suffering from, or that he is a carrier of, a notifiable disease, engages in, carries on or participates to any extent whatever in any trade, business or occupation which he cannot engage in, carry on or participate in without risk of spreading the disease shall be guilty of an offence under this Part.

### **5 Power to order child likely to convey notifiable disease not to attend school.**

- (1) Where a child is or has been suffering from, or is or has been exposed to the infection of, a notifiable disease, [<sup>F18</sup>the Director of Public Health] for the area in which the child resides or attends school may, for the purpose of preventing the spread of the disease, serve a notice on the person having the care of that child directing that, for such period as may be specified in the notice, the child shall not attend school.
- (2) Any person who permits a child to attend school in contravention of a notice served on him under subsection (1) shall be guilty of an offence under this Part.

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**F18** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)

## **6 Power to prohibit certain work on premises where notifiable disease occurs.**

- (1) Where a notifiable disease occurs on any premises, [<sup>F19</sup>the Regional Agency] may, whether the person suffering from the disease has been removed from the premises or not, by notice prohibit any work to which this section applies from being given out to any person living or working on those premises, or on such part thereof as may be specified in the notice.
- (2) A notice under this section may be expressed to operate for a specified time or until the premises to which it relates or any part thereof specified in the notice have been disinfected to the satisfaction of [<sup>F20</sup>the Director of Public Health], or may be expressed to be inoperative so long as any other reasonable precautions specified in the notice are taken.
- (3) A notice under this section shall be served on the occupier of any factory or other place from which work is given out, and on any agent or independent contractor employed or engaged by any such occupier.
- (4) If any occupier, agent or independent contractor on whom a notice under this section has been served fails to comply with the requirements of the notice, he shall be guilty of an offence under this Part.
- (5) The work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel, bed clothing, handkerchiefs and napery and any work incidental thereto, and to such other classes of work as the Ministry may prescribe.

**F19** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 2\(2\)](#); S.R. 2009/114, [art. 2](#)

**F20** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)

## **7 Restriction on sending articles exposed to infection by notifiable disease to laundry etc.**

- (1) No person shall send, cause to be sent, or take to any laundry or public wash-house for the purpose of being washed, cleaned or dyed any article which he knows to have been exposed to infection from a notifiable disease unless—
  - (a) the article has been disinfected by, or to the satisfaction of, [<sup>F21</sup>the Director of Public Health] or some other medical practitioner, or
  - (b) the article is sent or taken with proper precautions for the purpose of disinfection to a laundry, which has proper facilities for the disinfection thereof, and is accompanied by a written notification that it has been exposed to infection.
- (2) [<sup>F22</sup>The Regional Agency] may pay the expenses of the disinfection of any such article as aforesaid if carried out by them or under their direction.

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- (3) The occupier of any building in which a person is suffering from a notifiable disease shall, if required by [<sup>F23</sup>the Director of Public Health]<sup>F24</sup> . . . , furnish to him the address of any laundry, wash-house or other place to which articles from the building have been, or will be, sent or taken during the continuance of the disease.
- (4) Any person who contravenes any provision of this section shall be guilty of an offence under this Part.
- (5) In this section “laundry” includes any premises in which a business performing any of the functions or providing any of the facilities of a laundry, dry or wet cleaners or dyers is carried on, whether or not the operations therein are performed by the customers.

**F21** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**

**F22** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

**F23** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**

**F24** Words in s. 7(3) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), **Sch. 7**; S.R. 2009/114, **art. 2**

## 8 Provisions as to library books.

- (1) Where [<sup>F25</sup>the Director of Public Health] has reason to believe that a person is suffering from a notifiable disease he may by notice in writing direct—
  - (a) that person not to take, cause to be taken for his use, or use, any book taken from a library; or
  - (b) that person not to return or cause to be returned to any library any book which has been exposed to infection from such a disease while under his control; or
  - (c) any person not to deliver to the person suffering from the notifiable disease any book which has been or may be taken from any library; or
  - (d) any person not to return to any library any book which he knows to have been in contact with a person suffering from a notifiable disease,unless such precautions as may be specified in the notice have been taken.
- (2) Any person who acts in contravention of a notice under subsection (1) shall be guilty of an offence under this Part.
- (3) Where [<sup>F26</sup>the Regional Agency] is aware that a book in, or taken from, a library has been exposed to infection from a notifiable disease, they may disinfect the book and return it to the library, or cause it to be disinfected and so returned, or destroy it.
- (4) [<sup>F27</sup>The Regional Agency] may pay compensation to the proprietors of a library who have suffered loss by reason of any action taken under subsection (3).
- (5) Where a person acts in contravention of a notice under subsection (1), [<sup>F28</sup>the Regional Agency] may recover summarily from that person—
  - (a) the cost of any action taken under subsection (3), and
  - (b) the amount of any compensation paid under subsection (4),as a civil debt due to [<sup>F29</sup>the Regional Agency].



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- F25** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**
- F26** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F27** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F28** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F29** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

## 9 Person ceasing to occupy house or caravan after recent case of notifiable disease to disinfect same or notify owner.

(1) Any person who ceases to occupy a house or caravan in which to his knowledge a person has, within the previous six weeks been suffering from a notifiable disease, shall either—

- (a) have the house or caravan, and all articles therein liable to retain infection, disinfected to the satisfaction of<sup>F30</sup> the Director of Public Health] or some other medical practitioner; or
- (b) give notice to the owner of the house or caravan of the previous existence of the disease,

and any person who fails to comply with this subsection shall be guilty of an offence under this Part.

(2) [<sup>F31</sup>The Regional Agency] shall give notice of the provisions of this section to the occupier and also to the owner of any house or caravan in which they are aware that there is a person suffering from a notifiable disease, so however that failure to give such notice shall not constitute a defence to any proceedings in respect of a contravention of subsection (1).

- F30** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**
- F31** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

## 10 Provisions as to the letting of houses or caravans or rooms in hotels etc., after recent case of notifiable disease.

(1) Any person who, whether as principal or agent, lets a house or caravan in which to his knowledge there has been, within the previous six weeks, a person suffering from a notifiable disease without first having, to the satisfaction of<sup>F32</sup> the Director of Public Health] or of some other medical practitioner, disinfected the house or caravan and all articles therein liable to retain infection, shall be guilty of an offence under this Part.

(2) The keeper of an hotel, inn, guest house, boarding house or apartment house who allows a room therein in which any person has to his knowledge been suffering from a notifiable disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of<sup>F33</sup> the Director of Public Health] or of some other medical practitioner, shall be guilty of an offence.



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- F32** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)
- F33** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)

## **11 Prohibition on persons coming in contact with body of person dying from notifiable disease.**

- (1) No person shall, without the consent of [<sup>F34</sup>the Director of Public Health] or of some other medical practitioner, enter or remain in any room in which is lying the body of a person who has died while suffering from a notifiable disease, nor shall the occupier of any premises in which any such body is lying permit any person to enter or remain in such room without such consent.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Part.

- F34** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)

## **12 Restriction on removal of body of person dying in hospital from notifiable disease.**

- (1) Where [<sup>F35</sup>the Director of Public Health], or some other medical practitioner, certifies that in his opinion it is necessary, in order to prevent the spread of infection, that the body of a person who has died in a hospital while suffering from a notifiable disease should not be removed from the hospital except for the purpose of being taken direct to a mortuary or being forthwith buried or cremated, it shall not be lawful for any person to remove the body from the hospital, except for such a purpose.
- (2) In any such case as aforesaid, when the body is removed for the purpose of burial or cremation from the hospital or is removed from any mortuary to which it has been taken, it shall forthwith be taken direct to some place of burial or cremation, and there buried or cremated.
- (3) Any person who contravenes the provisions of this section shall be guilty of an offence under this Part.

- F35** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)

## **13 Power of Ministry to make regulations as to disposal of dead bodies of persons who die from notifiable disease.**

The Ministry may make regulations prescribing all or any of the following—

- (a) conditions and restrictions with respect to means of disposal otherwise than by burial or cremation of the dead bodies of persons who die from a notifiable disease;
- (b) the maximum period of time such bodies may be kept on any premises;

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- (c) conditions, restrictions or prohibitions on embalming or preserving such bodies.

**14 Power of resident magistrate to order dead body to be removed to mortuary or buried forthwith.**

- (1) If a resident magistrate is satisfied, on a certificate of [F36 the Director of Public Health], or on a certificate of some other medical practitioner, that the retention of a dead body in any building would endanger the health of persons residing in or resorting to that building or any adjoining or neighbouring building, the magistrate may order that the body be removed to a mortuary, and that arrangements be made to bury it within a time limited by the order, or, if the magistrate considers immediate burial necessary, immediately.
- (2) An order under subsection (1) shall be served on such relative of the deceased as the resident magistrate may direct, or if it appears that that deceased did not have any relative upon whom the order might be served, on [F37 the Regional Agency]<sup>F38</sup> . . . , so however that failure to serve an order shall not constitute a defence to an action for the recovery of expenses under subsection (4).
- (3) Immediate cremation of a body or its cremation within the time limited for the burial of the body by an order under subsection (1), shall be a sufficient compliance with such an order.
- (4) [F39 The Regional Agency] shall, where—
- (a) an order under subsection (1) has been served on a relative of the deceased and that relative has failed to comply with the order, or
  - (b) the order has been served on them,
- cause the body to be buried, and any expenses reasonably incurred by them in so doing may be recovered summarily by them as a civil debt due to them from that relative or from the estate of the deceased.

**F36** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 2(1); S.R. 2009/114, art. 2

**F37** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 2(2); S.R. 2009/114, art. 2

**F38** Words in s. 14(2) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), Sch. 7; S.R. 2009/114, art. 2

**F39** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 2(2); S.R. 2009/114, art. 2

**15 Power to require person in contact with infectious disease to discontinue employment and compensation therefor.**

- (1) If any person is a carrier of, or has been exposed to the risk of infection from, an infectious disease, [F40 the Director of Public Health] may, for the purpose of preventing the spread of the disease,—
- (a) request the person forthwith to discontinue any trade, business or occupation in which he is engaged; and
  - (b) if that request is not complied with, serve on the person a notice in writing requiring him so to discontinue his trade, business or occupation.

*Status: Point in time view as at 23/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967. (See end of Document for details)*

- (2) If a notice served under subsection (1)( *b*) is not complied with, [<sup>F41</sup>the Director of Public Health] may apply to a resident magistrate for an order requiring the person upon whom the notice was served to discontinue forthwith any trade, business or occupation in which he is engaged.
- (3) An order made under subsection (2) shall continue in force indefinitely or until a date expressed in the order, so, however, that a resident magistrate may at any time revoke the order on the application of [<sup>F42</sup>the Director of Public Health] or the person affected by the order.
- (4) Where a person discontinues a trade, business or occupation in compliance with a request made or notice served under subsection (1) or an order made under subsection (2), [<sup>F43</sup>the Regional Agency] shall pay him compensation for any pecuniary loss suffered by him by reason of such compliance.
- (5) Where a request is made or where a notice is served under subsection (1) on a person by reason of the fact that he is deemed under section 3(2)( *b*) to be a carrier of an infectious disease, subsection (3) shall not apply to that person until he has complied with the order made under section 3(1) and no compensation shall be payable to him in respect of any period prior to the date on which he so complies.
- (6) Any question or dispute as to the amount of compensation payable under subsection (3) may be referred by either party to [<sup>F44</sup>an industrial tribunal].

*Subs.(7) rep. by 1972 NI 14*

- F40** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**
- F41** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**
- F42** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**
- F43** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F44** 1984 NI 9

**Modifications etc. (not altering text)**

- C1** S. 15 applied (29.10.2013) by S.R. 2008/280 (as inserted by Social Security (Miscellaneous Amendments No. 2)) **Regulations (Northern Ireland) 2013** (S.R. 2013/246), reg. 11(7)(e)

**16 Exclusion of children from places of entertainment or assembly to prevent spread of infectious disease.**

- (1) For the purpose of preventing the spread of an infectious disease, [<sup>F45</sup>the Regional Agency], acting on the advice of its [<sup>F46</sup>Director of Public Health], may by notice prohibit or restrict the admission of persons under the prescribed age to any place to which this section applies for such period as is specified therein, and the notice may contain exemptions from the prohibitions or restrictions which it imposes, and any such exemption may be made subject to compliance with such conditions as may be specified in the notice.

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- (2) A notice under this section shall be published in one or more newspapers circulating in the area and in such other manner as [<sup>F47</sup>the Regional Agency] think necessary for bringing it to the attention of persons affected thereby.

*Subs.(3) rep. by 1972 NI 14*

- (4) If the person responsible for the management or control of a place to which a notice under subsection (1) applies, admits, or permits the admission of, any person under the prescribed age to that place, he shall be guilty of an offence under this Part but it shall be a good defence to any prosecution under this section to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.
- (5) In this section “prescribed age” in relation to a notice means such age, not exceeding sixteen years, as may be prescribed by the notice.
- (6) This section applies to—
- (a) any building or part of a building used as a theatre, cinematograph theatre, public hall, public concert-room, lecture room, public dance room, amusement arcade, public gymnasium, skating or roller skating rink or indoor swimming baths, and
  - (b) any sports ground, outdoor swimming baths or pool, or skating or roller skating rink, to which the public are admitted, whether on payment of an admission fee or not, and
  - (c) any circus, show, fair, fete or amusement park, and
  - (d) any other public place of entertainment or recreation.

**F45** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

**F46** 1991 NI 1

**F47** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

## 17 **Power of [<sup>F48</sup>Regional Agency] to remove temporarily inmates from building in which infectious disease occurs.**

- (1) Where any infectious disease occurs in a building, or where [<sup>F49</sup>the Regional Agency] deem it necessary to disinfect any building, [<sup>F50</sup>the Regional Agency], acting on the advice of its [<sup>F51</sup> Director of Public Health], may—
- (a) cause any person who is not himself suffering from the disease and who consents to leave the building, or where the person is a child, with the consent of the person having care of him, to be removed therefrom to any temporary shelter or house accommodation provided by [<sup>F52</sup>the Regional Agency];
  - (b) cause any such person to be so removed without any consent, if a court of summary jurisdiction, being satisfied, on the application of [<sup>F53</sup>the Regional Agency], of the necessity for the removal, makes an order in that behalf, which order shall be subject to such conditions, if any, as may be specified therein.
- (2) [<sup>F54</sup>The Regional Agency] may provide and shall defray the cost of the provision of temporary shelter or house accommodation for the purposes of this section.

*Status: Point in time view as at 23/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967. (See end of Document for details)*

- (3) [<sup>F55</sup>The Regional Agency] shall in every case cause the removal to be effected and the conditions of any order to be satisfied without charge to the person removed.

- F48** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F49** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F50** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F51** 1991 NI 1
- F52** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F53** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F54** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F55** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

## 18 Special provisions as to anthrax.

- (1) Where an animal or carcase on any premises—
- is or was found to be affected, or to have been affected, with anthrax, or
  - is thought to have been recently in contact with another animal or carcase (including materials derived therefrom) which is known to be, or to have been, affected with anthrax,
- an authorised officer of [<sup>F56</sup>the Regional Agency]<sup>F57</sup> . . . may take such steps as he thinks necessary to prevent risk to public health.
- (2) Without prejudice to the generality of subsection (1), an authorised officer may in particular require—
- the cleansing and disinfection of the premises,
  - the cleansing, disinfection or destruction of any article in, or used in, the premises,
  - the disinfection or destruction of clothing worn by persons employed in, or in connection with, the premises,
  - the destruction and disposal of any carcase which is on those premises,
  - the milk from some or all of the animals on the premises to be withheld from sale or distribution until he may authorise such sale or distribution.
- (3) Any person who fails to comply with a requirement made under subsection (2) shall be guilty of an offence under this Part.
- (4) [<sup>F58</sup>The Regional Agency] may pay compensation to any person who has suffered loss by reason of his compliance with the requirements of this section.
- (5) Nothing in this section shall affect any functions of the Ministry of Agriculture under the Diseases of Animals Acts (Northern Ireland) 1958 and 1966 or under any other enactment.

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- (6) In this section “carcase” has the meaning assigned to it by<sup>F59</sup> Article 2(2) of the Diseases of Animals (Northern Ireland) Order 1981].

- F56** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F57** Words in s. 18(1) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), **Sch. 7**; S.R. 2009/114, **art. 2**
- F58** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F59** 1981 NI 22

## 19 Restrictions on sales &c. by persons dealing in rags &c.

- (1) No person who collects or deals in rags, old clothes or similar articles, and no person assisting, or acting on behalf of, any such person, shall—
- (a) in or from any shop or premises used for, or in connection with, the business of a dealer in any such articles; or
  - (b) while engaged in collecting any such articles, sell or deliver, whether gratuitously or not, any article of food or drink to any person, or any article or living creature whatsoever to a person under the age of sixteen years.
- (2) Any person who contravenes any of the provisions of this section shall be guilty of an offence under this Part.

## 20 [<sup>F60</sup>Regional Agency] may provide disinfecting station.

[<sup>F61</sup>The Regional Agency] may provide a disinfecting station and may disinfect free of charge any article brought thereto for the purpose of disinfection.

- F60** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F61** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

## 21 Cleansing and disinfection of premises and articles therein.

- (1) Where [<sup>F62</sup>the Regional Agency] are satisfied, upon a certificate of [<sup>F63</sup>the Director of Public Health], that the cleansing or disinfection of any premises, or the disinfection or destruction of any articles therein likely to retain infection, would tend to prevent the spread of any infectious disease, [<sup>F64</sup>the Regional Agency] shall give notice in writing to the occupier of the premises that they will at his cost cleanse or disinfect, or cleanse and disinfect, the premises and disinfect or, as the case may require, destroy any such articles therein, unless, within twenty-four hours after the receipt of the notice, he informs them that within a time to be fixed by the notice he will take such steps as are specified therein.
- (2) If within twenty-four hours after the receipt of a notice under subsection (1) the occupier does not inform [<sup>F64</sup>the Regional Agency] as aforesaid, or if, having so informed [<sup>F64</sup>the Regional Agency], he fails to take such steps as aforesaid to the satisfaction of [<sup>F63</sup>the Director of Public Health] within the time fixed by the notice,



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[<sup>F64</sup>the Regional Agency] may cause the premises to be cleansed or disinfected, or to be cleansed and disinfected, and the articles to be disinfected or destroyed, as the case may require, and may, if they think fit, recover summarily as a civil debt due to [<sup>F64</sup>the Regional Agency] from the person in default the expenses reasonably incurred by them in so doing.

- (3) Where [<sup>F65</sup>the Regional Agency] are of opinion that the occupier of any premises is unable effectually to take such steps as [<sup>F64</sup>the Regional Agency] consider necessary for the purposes of this section, [<sup>F64</sup>the Regional Agency] may, with the consent of the occupier and without giving a notice under subsection (1), take such steps at their own expense.
- (4) [<sup>F66</sup>The Regional Agency] may pay compensation to any person who has suffered loss by reason of any disinfection or destruction carried out by them under this section.
- (5) In this section “occupier” includes, in the case of unoccupied premises, the person entitled to immediate possession thereof.

**F62** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(2\)](#); S.R. 2009/114, [art. 2](#)

**F63** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(1\)](#); S.R. 2009/114, [art. 2](#)

**F64** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(2\)](#); S.R. 2009/114, [art. 2](#)

**F65** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(2\)](#); S.R. 2009/114, [art. 2](#)

**F66** Words in Act substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 2\(2\)](#); S.R. 2009/114, [art. 2](#)

## 22 Powers of entry.

- (1) An authorised officer of [<sup>F67</sup>the Regional Agency] shall, on producing, if so required, a duly authenticated document showing his authority, have the right to enter any premises for all or any of the following purposes—
  - (a) ascertaining whether there is, or has been, on, or in connection with, the premises any contravention of this Part or of any regulations made thereunder;
  - (b) ascertaining whether circumstances exist which would authorise or require [<sup>F68</sup> the Regional Agency] to take any action, or execute any work, under this Part or any such regulations;
  - (c) taking any action, or executing any work, authorised or required by this Part, or any such regulations, or any order made under this Part, to be taken, or executed by [<sup>F68</sup>the Regional Agency].

[<sup>F69</sup>(1A) Subsection (1)(c) shall not apply to regulations under section 2A.]

- (2) Admission shall not be demanded as of right under subsection (1) to any premises actually in use as a dwelling house unless twenty-four hours notice of the intended entry has been given to the occupier.

[<sup>F70</sup>(2A) An authorised officer entering any premises by virtue of this section may take with him such other person as may be necessary.]

- (3) Any person who hinders or obstructs the entry of an authorised officer under this section shall be guilty of an offence under this Part.



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- F67** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F68** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F69** 1986 NI 24
- F70** 1972 NI 14

## **[<sup>F72</sup>22A Exercise of functions of [<sup>F71</sup> Director of Public Health].**

Any function of [<sup>F73</sup>the Director of Public Health] under this Act may be exercised by such [<sup>F71</sup> other officer] of the [<sup>F74</sup>Regional Agency] as the [<sup>F71</sup> Director of Public Health] may authorise in writing in that behalf.]

- F71** 1991 NI 1
- F72** SRO (NI) 1973/211
- F73** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(1)**; S.R. 2009/114, **art. 2**
- F74** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**

## **23 Power to make regulations.**

- (1) The Ministry may make regulations prescribing anything which is to be or may be prescribed under this Part and providing for any matter in regard to which regulations may be made under this Part and generally for carrying this Part into effect.
- (2) Regulations made under this Part and an order made under section 1(2) shall be subject to negative resolution.

## **24 General penalty.**

Any person who is guilty of an offence under this Part or who contravenes any provision of this Part or any regulations made under this Part shall [<sup>F75</sup> subject to section 2A(6) and (7)] be liable on summary conviction to a fine not exceeding [<sup>F76</sup> level 3 on the standard scale].

- F75** 1986 NI 24
- F76** 1984 NI 3

## **25 Application to Crown.**

This Part shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

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## [<sup>F77</sup>PART 1A

### PUBLIC HEALTH PROTECTION

**F77** Pt. 1A inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 18](#) (with [ss. 89, 90](#)) (which affecting provision is continued until 24.9.2022 (23.3.2022 at 3.30 p.m.) by [The Coronavirus Act 2020 \(Extension of Powers to Act for the Protection of Public Health\) Order \(Northern Ireland\) 2022 \(S.R. 2022/157\)](#), arts. 1, 2)

#### *Introductory*

#### **25A Infection or contamination**

- (1) The following provisions have effect for the interpretation of this Part.
- (2) Any reference to infection or contamination is a reference to infection or contamination with coronavirus which presents or could present significant harm to human health; and “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- (3) Any reference to the spread of contamination includes a reference to the spread of any source of contamination.
- (4) Any reference to disinfection or decontamination includes a reference to the removal of any vector, agent or source of the infection or contamination.
- (5) Related expressions are to be read accordingly.

#### *Power to make regulations*

#### **25B Health protection regulations: international travel etc**

- (1) The Department of Health may by regulations make provision—
  - (a) for preventing danger to public health from vessels, aircraft, trains or other conveyances arriving at any place,
  - (b) for preventing the spread of infection or contamination by means of any vessel, aircraft, train or other conveyance leaving any place, and
  - (c) for giving effect to any international agreement or arrangement relating to the spread of infection or contamination.
- (2) Regulations under subsection (1) may in particular include provision—
  - (a) for the detention of conveyances,
  - (b) for the medical examination, detention, isolation or quarantine of persons,
  - (c) for the inspection, analysis, retention, isolation, quarantine or destruction of things,
  - (d) for the disinfection or decontamination of conveyances, persons or things or the application of other sanitary measures,
  - (e) for prohibiting or regulating the arrival or departure of conveyances and the entry or exit of persons or things,

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- (f) imposing duties on masters, pilots, train managers and other persons on board conveyances and on owners and managers of ports, airports and other points of entry, and
- (g) requiring persons to provide information or answer questions (including information or questions relating to their health).

## **25C Health protection regulations: domestic**

- (1) The Department of Health may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Northern Ireland (whether from risks originating there or elsewhere).
- (2) The power in subsection (1) may be exercised—
  - (a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and
  - (b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.
- (3) Regulations under subsection (1) may in particular include provision—
  - (a) imposing duties on registered medical practitioners or other persons to record and notify cases or suspected cases of infection or contamination,
  - (b) conferring on the Regional Agency or other persons functions in relation to the monitoring of public health risks, and
  - (c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.
- (4) The restrictions or requirements mentioned in subsection (3)(c) include in particular—
  - (a) a requirement that a child is to be kept away from school,
  - (b) a prohibition or restriction relating to the holding of an event or gathering,
  - (c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and
  - (d) a special restriction or requirement.
- (5) The power in subsection (1) is subject to section 25D.
- (6) For the purposes of this Part a “special restriction or requirement” means any of the following restrictions or requirements—
  - (a) that a person submit to medical examination;
  - (b) that a person be removed to a hospital or other suitable establishment;
  - (c) that a person be detained in a hospital or other suitable establishment;
  - (d) that a person be kept in isolation or quarantine;
  - (e) that a person be disinfected or decontaminated;
  - (f) that a person wear protective clothing;
  - (g) that a person provide information or answer questions about the person's health or other circumstances;
  - (h) that a person's health be monitored and the results reported;
  - (i) that a person attend training or advice sessions on how to reduce the risk of infecting or contaminating others;

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- (j) that a person be subject to restrictions on where the person goes or with whom the person has contact;
  - (k) that a person abstain from working or trading;
  - (l) that a thing be seized or retained;
  - (m) that a thing be kept in isolation or quarantine;
  - (n) that a thing be disinfected or decontaminated;
  - (o) in the case of a dead body, that the body be buried or cremated;
  - (p) in any other case, that a thing be destroyed or disposed of;
  - (q) that premises be closed;
  - (r) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
  - (s) that premises be disinfected or decontaminated;
  - (t) that, in the case of a building, conveyance or structure, the premises be destroyed.
- (7) But a restriction or requirement mentioned in subsection (4)(a), (b) or (c) is not to be regarded as a special restriction or requirement.

## **25D Restrictions on power to make regulations under section 25C**

- (1) Regulations under section 25C may not include provision imposing a restriction or requirement by virtue of subsection (3)(c) of that section unless the Department considers, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.
- (2) Regulations under section 25C may not include provision enabling the imposition of a restriction or requirement by virtue of subsection (3)(c) of that section unless the regulations provide that a decision to impose such a restriction or requirement may only be taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.
- (3) Regulations under section 25C may not include provision imposing a special restriction or requirement mentioned in section 25C(6)(a), (b), (c) or (d).
- (4) Regulations under section 25C may not include provision enabling the imposition of a special restriction or requirement unless—
  - (a) the regulations are made in response to a serious and imminent threat to public health, or
  - (b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat at the time when it is imposed.
- (5) For the purposes of this section—
  - (a) regulations “enable the imposition of a restriction or requirement” if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Department, the Regional Agency or another person;
  - (b) regulations “impose a restriction or requirement” if the restriction or requirement is imposed without any such decision.

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## **25E Medical treatment**

- (1) Regulations under section 25B or 25C may not include provision requiring a person to undergo medical treatment.
- (2) “Medical treatment” includes vaccination and other prophylactic treatment.

## **25F Health protection regulations: supplementary**

- (1) This section makes further provision about regulations under section 25B or 25C (“health protection regulations”).
- (2) Health protection regulations may—
  - (a) confer functions on the Regional Agency and other persons;
  - (b) create offences;
  - (c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances;
  - (d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations;
  - (e) provide for appeals from and reviews of decisions taken under the regulations;
  - (f) permit or prohibit the levy of charges;
  - (g) permit or require the payment of incentive payments, compensation and expenses;
  - (h) provide for the resolution of disputes.
- (3) Health protection regulations may, for the purposes of giving effect to an international agreement or arrangement, amend any statutory provision.
- (4) Health protection regulations may not confer functions on officers of Revenue and Customs unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.
- (5) Health protection regulations may not create an offence triable on indictment or punishable with imprisonment.
- (6) Health protection regulations—
  - (a) may not create an offence punishable with a fine exceeding £10,000, and
  - (b) if the regulations provide for a further fine for each day on which the default continues after conviction, may not provide for the daily penalty to exceed an amount equal to 2% of level 5 on the standard scale.
- (7) If health protection regulations provide for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court; and, where the court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before that period expires.
- (8) Regulations under section 25C must provide for a right of appeal to a court of summary jurisdiction against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, a thing or premises.

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- (9) Regulations under section 25C which enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.
- (10) In relation to a special restriction or requirement mentioned in section 25C(6)(c) or (d)—
- (a) the period specified by virtue of subsection (9) and the intervals specified by virtue of that subsection must be 28 days or less, and
  - (b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.

*Orders that may be made by a magistrates' court*

## **25G Power to order health measures in relation to persons**

- (1) A magistrates' court may make an order under this subsection in relation to a person ("P") if the court is satisfied that—
- (a) P is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that P might infect or contaminate others, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) An order under subsection (1) may impose on or in relation to P one or more of the following restrictions or requirements—
- (a) that P submit to medical examination;
  - (b) that P be removed to a hospital or other suitable establishment;
  - (c) that P be detained in a hospital or other suitable establishment;
  - (d) that P be kept in isolation or quarantine;
  - (e) that P be disinfected or decontaminated;
  - (f) that P wear protective clothing;
  - (g) that P provide information or answer questions about P's health or other circumstances;
  - (h) that P's health be monitored and the results reported;
  - (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
  - (j) that P be subject to restrictions on where P goes or with whom P has contact;
  - (k) that P abstain from working or trading.
- (3) A magistrates' court may make an order under this subsection in relation to a person ("P") if the court is satisfied that—
- (a) P is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related party might infect or contaminate others, and

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- (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) An order under subsection (3) may impose on or in relation to P a requirement that P provide information or answer questions about P's health or other circumstances (including, in particular, information or questions about the identity of a related party).
- (5) “Related party” means—
  - (a) a person who has or may have infected or contaminated P, or
  - (b) a person whom P has or may have infected or contaminated.
- (6) An order under subsection (1) or (3) may also order a person with parental responsibility (within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) for P to secure that P submits to or complies with the restrictions or requirements imposed by the order.
- (7) The Department of Health must by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).
- (8) Any reference in this section to a person who is infected or contaminated includes a reference to a person who carries the source of an infection or contamination, and any reference to infecting or contaminating others includes a reference to passing that source to others.

## **25H Power to order health measures in relation to things**

- (1) A magistrates' court may make an order under this subsection in relation to a thing if the court is satisfied that—
  - (a) the thing is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that the thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) An order under subsection (1) may impose in relation to the thing one or more of the following restrictions or requirements—
  - (a) that the thing be seized or retained;
  - (b) that the thing be kept in isolation or quarantine;
  - (c) that the thing be disinfected or decontaminated;
  - (d) in the case of a dead body, that the body be buried or cremated;
  - (e) in any other case, that the thing be destroyed or disposed of.
- (3) A magistrates' court may make an order under this subsection in relation to a thing if the court is satisfied that—
  - (a) the thing is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related person or related thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) An order under subsection (3) may require—



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- (a) the owner of the thing, or
  - (b) any person who has or has had custody or control of the thing,
- to provide information or answer questions about the thing (including, in particular, information or questions about where the thing has been or about the identity of any related person or the whereabouts of any related thing).
- (5) “Related person” means—
    - (a) a person who has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
    - (b) a person whom the thing has or may have infected or contaminated.
  - (6) “Related thing” means—
    - (a) a thing which has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
    - (b) a thing which the thing mentioned in subsection (3)(a) has or may have infected or contaminated.
  - (7) The Department of Health may by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).
  - (8) In this section—
    - (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and
    - (b) any reference to infecting or contaminating humans, or a person or thing, includes a reference to passing the source of an infection or contamination to humans, or to the person or thing.

## **251 Power to order health measures in relation to premises**

- (1) A magistrates' court may make an order under this subsection in relation to premises if the court is satisfied that—
  - (a) the premises are or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that the premises might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) An order under subsection (1) may impose in relation to the premises one or more of the following restrictions or requirements—
  - (a) that the premises be closed;
  - (b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
  - (c) that the premises be disinfected or decontaminated;
  - (d) that, in the case of a building, conveyance or structure, the premises be destroyed.
- (3) A magistrates' court may make an order under this subsection in relation to premises if the court is satisfied that—
  - (a) the premises are or may be infected or contaminated or are or may be a place where infection or contamination was spread between persons or things,

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- (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related person or related thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) An order under subsection (3) may require the owner or any occupier of the premises to provide information or answer questions about the premises (including, in particular, information about the identity of any related person or the whereabouts of any related thing).
- (5) “Related person” means—
- (a) a person who has or may have infected or contaminated the premises,
  - (b) a person who has or may have infected or contaminated a person who or thing which is or has been on the premises,
  - (c) a person whom the premises have or may have infected or contaminated, or
  - (d) a person who has or may have been infected or contaminated by a person who or thing which is or has been on the premises.
- (6) “Related thing” means—
- (a) a thing which has or may have infected or contaminated the premises,
  - (b) a thing which has or may have infected or contaminated a person who or thing which is or has been on the premises,
  - (c) a thing which the premises have or may have infected or contaminated, or
  - (d) a thing which has or may have been infected or contaminated by a person who or thing which is or has been on the premises.
- (7) The Department of Health may by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).
- (8) In this section—
- (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and
  - (b) any reference to infecting or contaminating humans, or a person, a thing or premises, includes a reference to passing the source of an infection or contamination to humans, or to the person, thing or premises.

## **25J Orders in respect of groups**

- (1) The powers in sections 25G, 25H and 25I include power to make an order in relation to a group of persons, things or premises.
- (2) For those purposes, those sections have effect as follows.
- (3) In section 25G—
  - (a) in subsections (1)(a) and (c) and (3)(a), the reference to P is a reference to each person in the group, and
  - (b) in subsections (2) and (4), any reference to P is a reference to any one or more of the persons in the group.
- (4) In section 25H—

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- (a) in subsections (1)(a) and (c) and (3)(a), the reference to the thing is a reference to each thing in the group, and
  - (b) in subsections (2) and (4) any reference to the thing is a reference to any one or more of the things in the group.
- (5) In section 25I—
- (a) in subsections (1)(a) and (c) and (3)(a), the reference to the premises is a reference to each set of premises in the group, and
  - (b) in subsections (2) and (4), any reference to the premises is a reference to any one or more of the sets of premises in the group.

## **25K Part 1A orders: supplementary**

- (1) This section makes further provision about orders under sections 25G, 25H and 25I (referred to in this Part as “Part 1A orders”).
- (2) A Part 1A order may include, in addition to the restrictions or requirements mentioned in the provision under which it is made, such other restrictions or requirements as the court considers necessary for the purpose of reducing or removing the risk in question.
- (3) A restriction or requirement contained in a Part 1A order may be expressed to take effect subject to conditions specified in the order.
- (4) Two or more Part 1A orders may be combined in a single order.
- (5) A Part 1A order may contain such directions as the court considers appropriate to give effect to it.
- (6) In particular (and without limiting the effect of subsection (5)), if the court is satisfied as mentioned in subsection (7) of section 25R, a Part 1A order may authorise a person to do anything which may be authorised by warrant under subsection (5) of that section.
- (7) If a Part 1A order provides as mentioned in subsection (6), section 25S(1) to (3) (supplementary powers on entry) have effect as if—
  - (a) the order were a warrant issued under section 25R, and
  - (b) the person authorised by the order were an authorised officer.
- (8) A Part 1A order may order the payment of compensation or expenses in connection with the taking of measures pursuant to the order.
- (9) A Part 1A order is authority for those persons to whom it is addressed to do such things as may be necessary to give effect to it.

## **25L Period for which a Part 1A order may be in force**

- (1) A Part 1A order must specify the period for which any restriction or requirement imposed by or under the order is to remain in force.
- (2) That period may be extended by further order of a magistrates' court.
- (3) In relation to restrictions or requirements mentioned in section 25G(2)(c) or (d) (detention in hospital, or period of isolation or quarantine), neither—
  - (a) the period specified under subsection (1), nor
  - (b) the period of any extension under subsection (2),

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may exceed 28 days.

- (4) The Department of Health may by regulations prescribe a shorter period for the purposes of subsection (3).
- (5) The Department of Health may by regulations prescribe, in relation to any other restrictions or requirements—
  - (a) the maximum period which may be specified under subsection (1), and
  - (b) the maximum period of any extension under subsection (2).

## **25M Procedure for making, varying and revoking Part 1A orders**

- (1) The power of a magistrates' court to make a Part 1A order is exercisable on the application of the Regional Agency by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (2) The Department of Health must by regulations require the Regional Agency to give notice to such persons as may be prescribed of the making of an application for a Part 1A order; but this is subject to subsection (3).
- (3) If a magistrates' court considers it necessary to do so, the court may make a Part 1A order without a person having been given such notice as is otherwise required to be given to that person under magistrates' court rules or regulations under subsection (2).
- (4) The Department of Health may by regulations make other provision for the procedure on an application for a Part 1A order (including provision modifying the Magistrates' Courts (Northern Ireland) Order 1981 and magistrates' courts rules).
- (5) A Part 1A order may be varied or revoked by a magistrates' court on the application of—
  - (a) an affected person,
  - (b) the Regional Agency, or
  - (c) any other authority with the function of executing or enforcing the order in question.
- (6) In the case of an order under section 25G(1) or (3), the following persons are affected persons—
  - (a) P,
  - (b) a person with parental responsibility (within the meaning of the Children (Northern Ireland) Order 1995) for P,
  - (c) P's husband, wife or civil partner,
  - (d) a person living with P as if they were spouses of each other, and
  - (e) such other persons as may be prescribed.
- (7) In the case of an order under section 25H(1), the following persons are affected persons—
  - (a) the owner of the thing,
  - (b) any person with custody or control of the thing, and
  - (c) such other persons as may be prescribed.
- (8) In the case of an order under section 25I(1), the following persons are affected persons—
  - (a) the owner of the premises,

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- (b) any occupier of the premises, and
  - (c) such other persons as may be prescribed.
- (9) In the case of an order under section 25H(3) or 25I(3), the person required to provide information or answer questions and such other persons as may be prescribed are affected persons.
- (10) Variation or revocation of a Part 1A order does not invalidate anything done under the order prior to the variation or revocation.

## **25N Power to make further provision by regulations**

- (1) The Department of Health may by regulations make provision about the taking of measures pursuant to Part 1A orders.
- (2) The regulations may in particular make provision about—
- (a) the type of investigation which may be carried out as part of a medical examination;
  - (b) the manner in which measures are to be taken;
  - (c) who is to be responsible for executing and enforcing measures;
  - (d) who is to be liable for the costs of measures;
  - (e) the payment of compensation or expenses in connection with the taking of measures.
- (3) But the regulations may not confer functions on officers of Revenue and Customs to execute or enforce Part 1A orders unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.

## **25O Enforcement of Part 1A orders**

- (1) A person commits an offence if the person—
- (a) fails without reasonable excuse to comply with a restriction or requirement imposed by or under a Part 1A order, or
  - (b) wilfully obstructs anyone acting in the execution of a Part 1A order.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) If—
- (a) a person is convicted of an offence under subsection (1), and
  - (b) the court by which the person is convicted is satisfied that the failure or wilful obstruction constituting the offence has caused premises or things to become infected or contaminated or otherwise damaged them in a material way,
- the court may, if it considers it appropriate to do so, order the person to take or pay for such remedial action as may be specified in the order.
- (4) Subsection (5) applies if—
- (a) a Part 1A order imposes a requirement that a person be detained or kept in isolation or quarantine in a place, and
  - (b) the person leaves that place contrary to the requirement.
- (5) A constable may take the person into custody and return the person to that place.

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- (6) But a person may not be taken into custody under subsection (5) after expiry of the period for which the requirement is in force.

*Regulations under Part 1A: general*

**25P Assembly control**

- (1) Regulations under this Part are subject to negative resolution; but this does not apply to—
- (a) regulations to which subsection (2) applies;
  - (b) regulations contained in a statutory rule by virtue of subsection (6) or section 25Q(8) (composite instruments).
- (2) Regulations to which this subsection applies (as to which, see subsections (4) and (5)) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
- (3) Subsection (2) is subject to section 25Q (emergency procedure).
- (4) Subsection (2) applies to—
- (a) regulations under section 25C (but see subsection (5)),
  - (b) regulations which amend a statutory provision pursuant to section 25F(3),
  - (c) the first regulations to be made under section 25G(7),
  - (d) the first regulations to be made under section 25L(5), or
  - (e) the first regulations to be made under section 25N.
- (5) Subsection (2) does not apply to regulations under section 25C if the regulations contain a declaration that the Department is of the opinion that the regulations do not include any provision made by virtue of section 25C(3)(c) which imposes or enables the imposition of—
- (a) a special restriction or requirement, or
  - (b) any other restriction or requirement which has or would have a significant effect on a person's rights.
- (6) A statutory rule that (in accordance with subsection (2)) is laid before, and approved by a resolution of, the Assembly may contain regulations that would, but for subsection (1)(b) and this subsection, be subject to negative resolution.

**25Q Emergency procedure**

- (1) This section applies to regulations to which subsection (2) of section 25P applies.
- (2) The regulations may be made without a draft having been laid and approved as mentioned in subsection (2) of that section if the regulations contain a declaration that the Department is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After regulations are made in accordance with subsection (2), they must be laid before the Assembly.

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- (4) Regulations made in accordance with subsection (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by a resolution of the Assembly.
- (5) But if on any day during that period, on proceedings on a motion that (or to the effect that) the regulations be so approved, the Assembly comes to a decision rejecting the regulations, they cease to have effect at the end of that day instead.
- (6) In reckoning any such period of 28 days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.
- (7) Subsections (4) and (5) do not—
  - (a) affect anything done in reliance on the regulations before they ceased to have effect, or
  - (b) prevent the making of new regulations.
- (8) A statutory rule that is made in accordance with subsection (2) may contain regulations that would, but for section 25P(1)(b) and this subsection, be subject to negative resolution.

### *General*

#### **25R Powers of entry**

- (1) An authorised officer has the right (subject to subsections (2) to (4)) to enter any premises at all reasonable hours for any or all of the following purposes—
  - (a) ascertaining whether there is, or has been, on, or in connection with, the premises any contravention of a provision of this Part, of regulations made under this Part, or of a Part 1A order;
  - (b) ascertaining whether or not circumstances exist which would authorise or require the Regional Agency to take any action, or execute any work, under such a provision or such regulations, or in relation to such an order;
  - (c) taking any action, or executing any work, authorised or required by such a provision or such regulations, or in relation to such an order, to be taken, or executed, by the Regional Agency;
  - (d) generally, for the purpose of the performance by the Regional Agency of its functions under such a provision or such regulations, or in relation to such an order.
- (2) The right may be exercised only on producing, if so required, a duly authenticated document showing the officer's authority.
- (3) Admission to premises is not to be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.
- (4) Subsection (1) does not authorise entry to any part of premises which is used as a private dwelling (but this does not affect the power of a magistrates' court under subsection (5) to issue a warrant authorising entry to a private dwelling or to any part of premises used as a private dwelling).
- (5) If it is shown to the satisfaction of a magistrates' court on sworn information in writing that the first and second conditions (set out in subsections (6) and (7)) are met in



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relation to any premises, the court may by signed warrant authorise the Regional Agency, by any authorised officer, to enter the premises, if need be by force.

- (6) The first condition is that there is reasonable ground for entry into the premises for any such purpose as is mentioned in subsection (1).
- (7) The second condition is that any of the following is the case—
  - (a) admission to any premises has been refused;
  - (b) if admission to the premises is requested, it will be or is likely to be refused;
  - (c) a request for admission would defeat the object of the entry;
  - (d) the occupier is temporarily absent;
  - (e) the premises are unoccupied; or
  - (f) the case is one of urgency.
- (8) If the case falls within subsection (7)(a) to (d), a warrant must not be issued unless the court is also satisfied—
  - (a) that notice of the intention to apply for a warrant has been given to the occupier, or
  - (b) that the giving of such notice would defeat the object of the entry.

## **25S Supplementary provisions as to entry**

- (1) An authorised officer (“the officer”) entering any premises by virtue of section 25R, or of a warrant issued under that section, may be accompanied by such other persons and such equipment and materials as may be necessary.
- (2) On leaving any unoccupied premises which the officer has entered by virtue of such a warrant, the officer must leave them as effectively secured against trespassers as the officer found them.
- (3) The officer may for the purpose for which entry is authorised—
  - (a) search the premises,
  - (b) carry out measurements and tests of the premises or of anything found on them,
  - (c) take and retain samples of the premises or of anything found on them,
  - (d) inspect and take copies or extracts of any documents or records found on the premises,
  - (e) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form, and
  - (f) seize and detain or remove anything which the officer reasonably believes to be evidence of any contravention relevant to the purpose for which entry is authorised.
- (4) Every warrant issued under section 25R continues in force until the purpose for which the entry is necessary has been satisfied.
- (5) Nothing in section 25R or this section limits the other provisions of this Part, or of regulations made under it, with respect to entry into or upon, and inspection of, any premises.

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## **25T Offence of obstruction**

- (1) A person who wilfully obstructs any person acting in the execution of a right under sections 25R and 25S, or of a warrant under section 25R, is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### *General*

## **25U Application to territorial sea**

The provisions of this Part have effect in relation to the territorial sea adjacent to Northern Ireland.

## **25V Form of notices**

The Department of Health may by regulations prescribe the form of any notice or other document to be used for the purposes of this Part.

## **25W Other provision as to offences**

- (1) In its application to offences created by or under this Part, section 20(2) of the Interpretation Act (Northern Ireland) 1954 has effect with the omission of the words “the liability of whose members is limited”.
- (2) A court of summary jurisdiction may hear and determine a complaint charging an offence created by or under this Part if the complaint is made both—
  - (a) before the end of the period of 3 years beginning with the date of the commission of the offence, and
  - (b) before the end of the period of 6 months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge;and this applies in place of Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981.
- (3) For the purposes of subsection (2)(b)—
  - (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact, and
  - (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.

## **25X Crown property**

- (1) This section applies to any house, building or other premises being property belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for purposes of a government department.
- (2) In relation to any such property, the appropriate authority may agree with the Regional Agency that any provision of this Part specified in the agreement shall apply to

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the property; and, while the agreement is in force, that provision shall apply to that property accordingly, subject to the terms of the agreement.

- (3) Any such agreement may contain such consequential and incidental provisions as appear to the appropriate authority to be necessary or equitable.
- (4) In this section, “the appropriate authority” means—
- (a) in the case of property belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the property;
  - (b) in the case of property belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (c) in the case of property belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
  - (d) in the case of property belonging to a government department or held in trust for Her Majesty for purposes of a government department, that department.
- (5) In this section, “premises” does not include any vessel—
- (a) belonging to Her Majesty, or
  - (b) under the command or charge of an officer holding Her Majesty's commission.

## **25Y Part 1A: further definitions**

- (1) This Part is to be read in accordance with this section.
- (2) “Authorised officer” includes any person authorised by the Regional Agency to exercise functions conferred on it by or under this Part (whether or not the person is an officer of the Agency).
- (3) “Medical examination” includes microbiological and toxicological tests.
- (4) References to the giving of notice are to notice in writing.
- (5) “Special restriction or requirement” has the meaning given by section 25C(6).
- (6) “Statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.
- (7) “Thing” includes—
  - (a) human tissue,
  - (b) a dead body or human remains,
  - (c) animals, and
  - (d) plant material.
- (8) Any reference to amending a statutory provision includes a reference to repealing, revoking or modifying the application of a statutory provision, and “amendment” is to be read accordingly.
- (9) Any reference to giving effect to an international agreement or arrangement includes a reference to giving effect to a recommendation issued under such an agreement or arrangement.]

*Part II (ss.26, 27) rep. by 1972 NI 14*

*Status: Point in time view as at 23/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967. (See end of Document for details)*

## PART III

### MISCELLANEOUS

*Ss.28#31 rep. by 1972 NI 14*

#### 32 Interpretation.

In this Act—

[<sup>F78</sup> “authorised officer” means the [<sup>F79</sup> Director of Public Health] of, or any other officer authorised by, [<sup>F80</sup> the Regional Agency];]

“building” includes any [<sup>F81</sup> vessel or aircraft], tent, van, caravan, shed or other structure used for human habitation;

“carrier”, in relation to a notifiable disease, means a person who, while not suffering from any of the symptoms of the disease, has within his body in a communicable form, the organism which causes that disease, but does not include a person who has merely been in contact with the disease;

[<sup>F82</sup> “Director of Public Health” means the Director of Public Health for Northern Ireland (see Article 32 of the Health and Personal Social Services (Northern Ireland) Order 1991);]

*Definition rep. by 1972 NI 14*

<sup>F83</sup>

“house” includes any room, tenement, flat and any other part of a house;

*Definition rep. by 1986 NI 24*

“infectious disease” means any infectious or contagious disease, but [<sup>F81</sup> except in section 2A(1)(a)] does not include a venereal disease;

*Definition rep. by 1972 NI 14*

“medical practitioner” means a fully registered person within the meaning of section 54 of the Medical Act 1956 ;

“Ministry” means the Ministry of Health and Social Services;

“notifiable disease” has the meaning assigned to it by section 1;

“occupier” means any person in occupation of, or having charge, management or control of, or of any part of, any building or premises;

“owner” means the person for the time being receiving the rack-rent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the premises were let at a rack-rent;

“prescribed” means prescribed by regulations made by the Ministry under this Act;

“premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;

[<sup>F84</sup> “the Regional Agency” means the Regional Agency for Public Health and Social Well-being;]

“resident magistrate” means a resident magistrate sitting as a court of summary jurisdiction or out of petty sessions, and acting ex parte, if it be deemed necessary by the magistrate;

[<sup>F81</sup> “vessel” has the same meaning as [<sup>F85</sup> “ship” in the Merchant Shipping Act 1995] except that it includes a hovercraft within the meaning of the Hovercraft Act 1968 and “master” shall be construed accordingly.]

*Definition rep. by 1972 NI 14*

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*Status: Point in time view as at 23/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967. (See end of Document for details)*

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- F78** 1972 NI 14
- F79** 1991 NI 1
- F80** Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(2)**; S.R. 2009/114, **art. 2**
- F81** 1986 NI 24
- F82** S. 32: definition of "Director of Public Health" inserted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(3)**; S.R. 2009/114, **art. 2**
- F83** S. 32: definition of "Health and Social Services Board" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), **Sch. 7**; S.R. 2009/114, **art. 2**
- F84** S. 32: definition of "the Regional Agency" inserted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 2(3)**; S.R. 2009/114, **art. 2**
- F85** 1995 c. 21

*S.33, with Schedule 3, effects repeals*

**34 Short title, construction, citation and commencement.**

(1) This Act may be cited as the Public Health Act (Northern Ireland) 1967, and shall be construed as one with the Public Health Acts (Northern Ireland) 1878 to 1966, and those Acts and this Act may be cited together as the Public Health Acts (Northern Ireland) 1878 to 1967.

(2) *Commencement*

**Status:**

Point in time view as at 23/03/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967.