



Public Health Act (Northern Ireland) 1967

1967 CHAPTER 36

[^{F1}PART 1A

PUBLIC HEALTH PROTECTION

F1 Pt. 1A inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 18](#) (with ss. 89, 90)

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—

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- (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,
 - (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.

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- (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;
 - (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).

Status: Point in time view as at 25/03/2020.

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- (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.

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

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- (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.
- (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;

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- (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
 - (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;

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- (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—
- (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.

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- (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,
 - (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.

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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—
 - (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.

Status: Point in time view as at 25/03/2020.

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- (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),
- 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,

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- (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,
 - (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.

Status: Point in time view as at 25/03/2020.

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- (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.
- (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.

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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.
- (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.

Status: Point in time view as at 25/03/2020.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967, PART 1A. (See end of Document for details)

- (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 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

Status: Point in time view as at 25/03/2020.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967, PART 1A. (See end of Document for details)

- (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.

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

Status: Point in time view as at 25/03/2020.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967, PART 1A. (See end of Document for details)

- (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 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,

Status: Point in time view as at 25/03/2020.

Changes to legislation: *There are currently no known outstanding effects for the Public Health Act (Northern Ireland) 1967, PART 1A. (See end of Document for details)*

- (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.]

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Point in time view as at 25/03/2020.

Changes to legislation:

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