



# Public Health (Control of Disease) Act 1984

## 1984 CHAPTER 22

### PART I

#### ADMINISTRATIVE PROVISIONS

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

- C1** Pt. I (ss. 1-9) modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2)(3), [Sch.2](#)  
Pt. I (ss. 1-9) modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2)(3), [Sch.2](#)
- C2** Pt. I (ss. 1-9): certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8(1)(3), [Sch.2](#)  
Pt. I (ss. 1-9): certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8(1)(3), [Sch.2](#)

#### *General administration*

### **1 Authorities administering Act.**

[<sup>F1</sup>(1) In this Act “ local authority ” means any of the following—

- (a) a district council;
- (b) in England, a county council for an area for which there is no district council;
- (c) in Wales, a county council or county borough council;
- (d) a London borough council;
- (e) the Common Council of the City of London;
- (f) the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple;
- (g) the Council of the Isles of Scilly.]

<sup>F2</sup>(2) .....

*Status: Point in time view as at 28/10/2021.*

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(3) A local authority having jurisdiction in any part of a port health district (including the London port health district) shall not discharge in relation to it any functions which are functions of the port health authority.

<sup>F3</sup>(4) .....

<p><b>Textual Amendments</b></p> <p><b>F1</b> S. 1(1) substituted (6.4.2010 for E.) by <a href="#">Health and Social Care Act 2008 (c. 14)</a>, s. 170(3)(4), <a href="#">Sch. 11 para. 3(2)</a>; <a href="#">S.I. 2010/708</a>, art. 6(e) (with Sch. 2)</p> <p><b>F2</b> S. 1(2) repealed (6.4.2010 for E.) by <a href="#">Health and Social Care Act 2008 (c. 14)</a>, s. 170(3)(4), <a href="#">Sch. 11 para. 3(3)</a>, <a href="#">Sch. 15 Pt. 3</a>; <a href="#">S.I. 2010/708</a>, art. 6(e)(f) (with Sch. 2)</p> <p><b>F3</b> S. 1(4) repealed (6.4.2010 for E.) by <a href="#">Health and Social Care Act 2008 (c. 14)</a>, s. 170(3)(4), <a href="#">Sch. 11 para. 3(3)</a>, <a href="#">Sch. 15 Pt. 3</a>; <a href="#">S.I. 2010/708</a>, art. 6(e)(f) (with Sch. 2)</p>
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*Port health districts and authorities*

**2 Port health districts and authorities.**

- (1) In this Act, “port” means—
  - (a) a port as appointed for the purposes of the enactments for the time being in force relating to customs or excise other than the Port of London, or
  - (b) the Port of London.
- (2) In this Act, subject to section 8(2) below, “riparian authority”, in relation to a port of a port, means—
  - (a) any local authority whose district, or any part of whose district, forms part of, or abuts on, that port or part of a port, and
  - (b) any conservators, commissioners or other persons having authority in, over or within that port or part of a port.
- (3) Subject to the provisions of this section, the Secretary of State may be order made by statutory instrument constitute a port health district either—
  - (a) consisting of any area, being a port or part of a port other than the Port of London, or of two or more such areas, or
  - (b) consisting of such an area, or of two or more such areas, together with so much (being either the whole or any part or parts) of the district or districts of one or more riparian authorities as (not being comprised in that area or any of those areas, as the case may be) is specified in the order.
- (4) An order under this section constituting a port health district may either—
  - (a) constitute one riparian authority the port health authority for the district, or
  - (b) constitute a joint board, consisting of representatives of two or more riparian authorities, to be the port health authority for the district.
- (5) A joint board so constituted a port health authority shall be a body corporate by such name as may be determined by the order constituting the port health district:
- (6) Where the Secretary of State proposes to make an order under this section, he shall give notice of the proposal to every riparian authority who will under the order be liable to contribute to the expenses of the port health authority.

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- (7) If, within 28 days after notice has been given to any such riparian authority under subsection (6) above, they give notice to the Secretary of State that they object to the proposal and the objection is not withdrawn, any order made by the Secretary of State which will impose any such liability on that authority shall be subject to special parliamentary procedure.
- (8) All expenses of, and incidental to, the constitution of a port health district shall be payable by the port health authority.
- (9) So far as those expenses are expenses incurred by the Secretary of State, their amount as certified by him shall be recoverable by him from the authority as a debt due to the Crown.

#### Subordinate Legislation Made

- P1** S. 2: s. 2 (with ss. 3 and 4) power exercised by [S.I. 1991/1773](#).  
S. 2: for previous exercises of this power see Index to Government Orders  
S. 2: s. 2 (with ss. 3 and 4) power exercised (02.12.1991) by [S.I.1991/2913](#).

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

- C3** S. 2 excluded (16.5.2008) by [London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), arts. 1, **56** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C4** S. 2 excluded (13.3.2019) by [The Port of Tilbury \(Expansion\) Order 2019 \(S.I. 2019/359\)](#), arts. 1, **3(12)** (with arts. 55, 56)

### 3 Jurisdiction and powers of port health authority.

- (1) An order under section 2 above constituting a port health district—
  - (a) shall confer on the port health authority jurisdiction over all waters and land within the port health district, and
  - (b) may assign to the port health authority any of the functions, rights and liabilities of a local authority under any enactment relating to public health, waste disposal or the control of pollution, whether passed before or after, and whether or not contained in, this Act.
- (2) Any such order may also assign to the port health authority any of the functions, rights and liabilities—
  - [<sup>F4</sup>(a) of a food authority under the Food Safety Act 1990;]
  - (b) of a local authority under Part I of the <sup>M1</sup>Slaughterhouses Act 1974, or
  - (c) of a local authority under any of the following provisions of the <sup>M2</sup>Local Government (Miscellaneous Provisions) Act 1976—
    - (i) section 16 (power of local authorities to obtain particulars of persons interested in land),
    - (ii) section 32 (power of local authorities to execute works outside their areas),
    - (iii) section 41 (evidence of resolutions and minutes of proceedings etc.).
- (3) section 241 of the <sup>M3</sup>Local Government Act 1972 (which enables any of the provisions of that Act to be applied to a joint board of which the constituent members are local authorities) shall apply in relation to a port health authority constituted under section 2

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above, notwithstanding that it may consist of a single local authority or may be a joint board of which not all the constituent members are local authorities.

#### Subordinate Legislation Made

- P2** S. 3: s. 2 (with ss. 3 and 4) power exercised by [S.I. 1991/1773](#).  
S. 3: for previous exercises of this power see Index to Government Orders  
S. 3: s. 2 (with ss. 3 and 4) power exercised (02.12.1991) by [S.I. 1991/2913](#).

#### Textual Amendments

- F4** S. 3(2)(a) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), [Sch. 3 para. 26](#)

#### Marginal Citations

- M1** [1974 c. 3](#).  
**M2** [1976 c. 57](#).  
**M3** [1972 c. 70](#)

## 4 General provisions as to orders constituting port health districts and authorities.

- (1) An order under section 2 above may contain such incidental, consequential and supplementary provisions as appear to the Secretary of State to be necessary or proper for bringing it into operation and giving it full effect, and in particular, but without prejudice to the generality of this subsection, provisions—
- (a) for the settlement of any differences arising in consequence of the operation of the order between districts or other areas,
  - (b) for the transfer of property and liabilities, and the making of any such adjustment of accounts or apportionment of liabilities between districts or other areas as may be rendered necessary by the operation of the order, and
  - (c) as to the persons by or to whom any money found to be due is to be paid, and the raising of such money.
- (2) Where the Secretary of State proposes to make an order amending or revoking any such order, he shall give notice of his intention of the port health authority concerned and to every authority which is, or under the proposed order will be, a constituent authority.
- (3) If, within 28 days after notice has been given to any such authority, they give notice to the Secretary of State that they object to the proposal and the objection is not withdrawn, any order made by the Secretary of State shall be subject to special parliamentary procedure.
- (4) Where by virtue of subsection (7) of section 2 above or subsection (3) above an order under that section (not being an order made on the application of a local authority) is subject to special parliamentary procedure—
- (a) section 240 of the <sup>M4</sup>Local Government Act 1972 (which relates to the procedure for making such orders) shall have effect as if, for references to the applicants for the order and to the application for the order, there were substituted respectively references to the Secretary of State and to the order proposed to be made by him, and
  - (b) the expenses incurred by the Secretary of State in connection with the making and confirmation of the order shall be paid by such council, or by such councils in such shares, as he may direct, and the amount of those expenses

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as certified by him, or the amount of any share of them so certified, shall be recoverable by him from the council liable for the expenses or share as a debt due to the Crown.

- (5) Any reference in this Act to an order constituting a port health district shall be construed as including a reference to any order made under this section for the amendment of the original order.

#### Subordinate Legislation Made

- P3** S. 4: s. 2 (with ss. 3 and 4) power exercised by [S.I.1991/1773](#).  
S. 4: for previous exercises of this power see Index to Government Orders  
S. 4: s. 2 (with ss. 3 and 4) power exercised (02.12.1991) by [S.I.1991/2913](#).

#### Marginal Citations

- M4** [1972 c. 70](#).

## 5 Financial provisions as to port health authorities.

- (1) Subject to the provisions of the order constituting a port health authority under section 2 above, the authority shall have the like powers of borrowing for the purposes of their functions under the order as a local authority have for the purposes of their functions under this Act.
- (2) Any expenses incurred by a joint board constituted by such an order [<sup>F5</sup> shall be defrayed by the constituent districts in such proportions and in such manner as may be determined by or in accordance with the order.]
- (3) For the purpose of obtaining payment from constituent districts <sup>F6</sup>... of the sums to be contributed by them, such a joint board shall issue precepts to the local authority of each district concerned, stating the sum to be contributed by the authority and requiring the authority, within a time limited by the precept, to pay the sums mentioned in it to the port health authority, or to such person as the port health authority may direct.
- (4) Any sum mentioned in a precept issued under this section by a joint board to a local authority shall be a debt due from that authority, and may be recovered accordingly,  
<sup>F7</sup>  
....

#### Textual Amendments

- F5** Words in s. 5(2) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 4\(2\)](#); [S.I. 2010/708](#), art. 6(e) (with [Sch. 2](#))[S.I. 2010/1547](#), art. 2(e) (with [Sch. 1](#))  
;
- F6** Words in s. 5(3) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 4\(3\)](#), [Sch. 15 Pt. 3](#); [S.I. 2010/708](#), art. 6(e)(f) (with [Sch. 2](#)); [S.I. 2010/1547](#), art. 2(e)(f) (with [Sch. 1](#))
- F7** Words in s. 5(4) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

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## Port of London

### 6 Extent of Port of London

In this Act, “the Port of London” means the port of that name appointed for the purposes of the enactments relating to customs or excise, together with all such waters between—

- (a) the seaward limit of the port as so established, and
- (b) imaginary straight lines drawn from latitude 51° 37’ 00’ north, longitude 0° 57’ 19’ east (Foulness Point in the county of Essex) to latitude 51° 46’ 05’ north, longitude 1° 20’ 32’ east (Gunfleet Old Lighthouse) and thence to latitude 51° 26’ 36’ north, longitude 1° 25’ 30’ east and thence to latitude 51° 24’ 55’ north, longitude 0° 54’ 21’ east (Warden Point in the county of Kent),

as [<sup>F8</sup>immediately before the coming into force of the Territorial Sea Act 1987 were] within the territorial waters of Her Majesty’s dominions.

#### Textual Amendments

**F8** Words substituted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), s. 3, [Sch. 1 para. 8](#)

### 7 Port health district and authority for Port of London.

- (1) For the purposes of this Act—
  - (a) the Port of London, together with
  - (b) so much (being either the whole or any part or parts) of the district or districts of one or more riparian authorities as (not being comprised in the Port of London) may be specified in an order made by the Secretary of State,
 shall be a port health district (in this Act referred to as “the London port health district”), and the Common Council of the City of London shall be the port health authority for that district.
- (2) The Secretary of State may by order confer on the port health authority for the London port health district (in this Act referred to as “the London port health authority”) jurisdiction over all waters and land within that port health district.
- (3) The Secretary of State may by order assign to the London port health authority any of the functions, rights and liabilities—
  - (a) of a local authority under any enactment to which this paragraph applies,
  - (b) of a local authority under any local statutory provision (within the meaning of the <sup>M5</sup>London Government Act 1963) continued in force by section 87 of that Act (which relates to certain local statutory provisions in force immediately before the 1st April 1965 which were not repealed or revoked by that Act),
  - (c) of a local authority under any provision of Part II of Schedule 11 to that Act (which re-enacted with modifications certain enactments about public health in London), or
  - [<sup>F9</sup>(d) of a food authority under any provision of the Food Safety Act 1990.]
- (4) Subsection (3)(a) above applies to the following enactments, that is to say—
  - (a) the Public Health Acts 1875 to 1925;
  - (b) the <sup>M6</sup>Public Health Act 1936;

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- F<sup>10</sup>(c) .....
- F<sup>11</sup>(d) .....
- F<sup>12</sup>[(e) the Clean Air Act 1993;]
- (f) the <sup>M7</sup>Public Health Act 1961;
- (g) the <sup>M8</sup>Control of Pollution Act 1974;
- F<sup>13</sup>(h) .....
- F<sup>13</sup>(i) .....
- (j) this Act except section 46.
- [<sup>F14</sup>(k) the Building Act 1984 (other than Parts III of Schedule 3).]
- (l) Part I of the Environmental Protection Act 1990;
- [<sup>F15</sup>(m) Part III of the Environmental Protection Act 1990;]
- [<sup>F16</sup>(n) regulations under section 2 of the Pollution Prevention and Control Act 1999.]

- (5) The Secretary of State may by order extend to all waters and land in the London port health district any provision under which functions, rights and liabilities may be assigned by an order under subsection (3) above, or any instrument made under any such provision, in so far as it would not otherwise so extend.
- (6) The power to make an order under this section shall be exercisable by statutory instrument.

#### Textual Amendments

- F9** S. 7(3)(d) substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), **Sch. 3 para. 27**
- F10** S. 7(4)(c) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 11 para. 5, Sch. 15 Pt. 3**; S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)
- F11** S. 7(4)(d) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 11 para. 5, Sch. 15 Pt. 3**; S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)
- F12** S. 7(4)(e) substituted (27.8.1993) by 1993 c. 11, s. 67(1), **Sch. 4 para. 3**
- F13** S. 7(4)(h)(i) and the word following paragraph (i) repealed (1.4.2002) by 2000 c. 14, ss. 116, 117(2), **Sch. 4 para. 10, Sch. 6**; S.I. 2001/4150, **art. 3(a)(c)** (subject to transitional provisions in art. 4 and S.I. 2002/1493, **art. 4**)
- F14** S. 7(4)(k) added by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(1), **Sch. 6 para. 23**
- F15** S. 7(4)(l) (m) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 22, S.I. 1991/1042, art.2**
- F16** S. 7(4)(n) inserted (21.3.2000) by 1999 c. 24, s. 6, **Sch. 2 para. 2**; S.I. 2000/800, **art. 2**

#### Marginal Citations

- M5** 1963 c. 33.
- M6** 1936 c. 49.
- M7** 1961 c. 64.
- M8** 1974 c. 40.

## 8 Supplementary provisions as to London port health district.

- (1) Section 4 above has effect in relation to an order under section 7 as it has effect in relation to an order under section 2 above.

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(2) ..... <sup>F17</sup>

**Textual Amendments**

**F17** S. 8(2) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

*Inland and coastal waters*

**<sup>F189</sup> Vessels in inland or coastal waters.**

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**Textual Amendments**

**F18** S. 9 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 6](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e)(f) (with [Sch. 1](#))

**<sup>F19</sup> PART II**

**CONTROL OF DISEASE**

**Textual Amendments**

**F19** Pt. II repealed (6.4.2010 for E. except in relation to ss. 13-15, 26.7.2010 for W. except in relation to ss. 13-15) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 130(1), 170(3), 170(4), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(b)(f) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(b)(f) (with [Sch. 1](#))

*General*

**<sup>F19</sup>10 Notifiable diseases.**

.....

**<sup>F19</sup>11 Cases of notifiable disease and food poisoning to be reported.**

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**<sup>F19</sup>12 Fees for certificates under s. 11.**

.....

**13 Regulations for control of certain diseases.**

[<sup>F19</sup>(1) Subject to the provisions of this section, the Secretary of State may, as respects the whole or any part of England and Wales, including coastal waters, make regulations—



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- (a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases,
  - (b) for preventing danger to public health from vessels or aircraft arriving at any place, and
  - (c) for preventing the spread of infection 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.
- (2) Without prejudice to the generality of subsection (1) above, the Secretary of State may by any such regulations apply, with or without modifications, to any disease to which the regulations relate any enactment (including any enactment in this Act) relating to the notification of disease or to notifiable diseases.
- (3) Regulations made under this section may provide for—
  - (a) the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease,
  - (b) 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,
  - (c) requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection,
  - (d) the detention of vessels or aircraft and of persons on board them,
  - (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 14 below, regulations made under this section—
  - (a) shall specify the authorities, whether county councils, [<sup>F20</sup>county borough councils,] local authorities, port health authorities, <sup>F21</sup>... [<sup>F22</sup><sup>F23</sup>Local Health Boards], Special Health Authorities <sup>F24</sup>... [<sup>F25</sup>, National Health Service trusts or NHS foundation trusts]], by whom they are to be enforced and executed, and
  - (b) may also provide for their enforcement and execution by officers of customs and excise,but, in so far as they apply to officers of customs and excise, the regulations shall require the consent of the Commissioners of Customs and Excise.
- (5) Subject to section 14 below, the following persons, that is to say—
  - (a) authorised officers of any such authority as is specified by the regulations in accordance with subsection (4)(a) above, and
  - (b) officers of customs and excise,shall have power to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, regulations under this section.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Any expenses incurred by a county council under this section shall, if the Secretary of State by order so directs, be defrayed as special expenses charged on such part of the

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county as may be provided by the order, but such an order may be revoked or varied by a subsequent order.]

#### Textual Amendments

- F20** Words in s. 13(4)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 13(2)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 3, **Sch. 1**
- F21** Words in s. 13(4)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 32(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** Words in s. 13(4)(a) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 108(5)** (with **Sch. 2 paras. 6, 16**)
- F23** Words in s. 13(4)(a) substituted (1.4.2007) by References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 14(5)**
- F24** Words in s. 13(4)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 32(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F25** Words in s. 13(4)(a) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 61**; S.I. 2004/759, art. 2

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

- C5** S. 13 modified (2.8.1993) by S.I. 1993/1813, arts. 2(1), 7(1), **Sch. 4 para. 2** (as amended (1.12.1997) by S.I. 1994/1405, art. 8, **Sch. 4 para. 11** Table)
- C6** S. 13 modified by S.I. 1994/1405, **art. 7** (as amended (coming into force on a date to be notified in the Gazette) by The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020 (S.I. 2020/915), arts. 1(3), **11**)
- C7** S. 13 modified (immediately after the amendments by S.I. 2020/915, art. 5 come into force) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), arts. 1(3), **6**

## 14 Application of s. 13 to aerodromes.

[<sup>F19</sup>(1) In relation to aerodromes for the time being vested in or under the control of the Secretary of State <sup>F26</sup> ... <sup>F27</sup> . . . , and in relation to persons and aircraft arriving at or departing from any such aerodromes—

(a) subsection (4) of section 13 above shall have effect as if, for paragraph (a) of that subsection, there were substituted the following paragraph—

“(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 in relation to aerodromes for the time being vested in or under the control of the Secretary of State <sup>F28</sup> ..., and

(c) subsection (5) of that section shall have effect as if, for paragraph (a) of that subsection, there were substituted the following paragraph—

“(a) officers designated in accordance with subsection (4)(a) above (as modified by section 14(1)(a) below, and”.

(2) In this section, “ aerodrome ” has the meaning given by section 105(1) of the <sup>M9</sup> Civil Aviation Act 1982. ]

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**Textual Amendments**

- F26** Words in s. 14(1) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 2(1)**
- F27** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**
- F28** Words in s. 14(1)(b) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 2(2)**

**Marginal Citations**

- M9** 1982 c. 16.

**15 Contravention of regulations under s. 13.**

[<sup>F19</sup>Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulations made under section 13 above shall, in a case where no provision is made in the regulations for his punishment, be liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale, and
- (b) in the case of a continuing offence, to a further fine not exceeding £50 for every day on which the offence continues after conviction.]

<sup>F19</sup>**16 Power of local authority to direct that other diseases notifiable.**

.....

<sup>F19</sup>**17 Exposure of persons and articles liable to convey notifiable disease.**

.....

<sup>F19</sup>**18 Information to be furnished by occupier in case of notifiable disease or food poisoning.**

.....

<sup>F19</sup>**19 Trading etc. by person with notifiable disease.**

.....

<sup>F19</sup>**20 Stopping of work to prevent spread of disease.**

.....

*Children*

<sup>F19</sup>**21 Exclusion from school of child liable to convey notifiable disease.**

.....

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**F1922 List of day pupils at school having case of notifiable disease.**

.....

**F1923 Exclusion of children from places of entertainment or assembly.**

.....

*Infected articles*

**F1924 Infected articles not to be taken or sent to be washed or cleaned.**

.....

**F1925 Library books.**

.....

**F1926 Infectious matter not to be placed in dustbins.**

.....

**F1927 Provision of disinfecting stations.**

.....

*Infected premises*

**F1928 Prohibition of certain work on premises where notifiable disease exists.**

.....

**F1929 Letting of house or room after recent case of notifiable disease.**

.....

**F1930 Duty on ceasing to occupy house after recent case of notifiable disease.**

.....

**F1931 Disinfection of premises.**

.....

**F1932 Removal of person from infected house.**

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*Public conveyances*

**F1933 Use of public conveyance by person with notifiable disease.**

.....

**F1934 Duty of owner, driver or conductor of public conveyance.**

.....

*Infectious persons*

**F1935 Medical examination.**

.....

**F1936 Medical examination of group of persons believed to comprise carrier of notifiable disease.**

.....

**F1937 Removal to hospital of person with notifiable disease.**

.....

**F1938 Detention in hospital of person with notifiable disease.**

.....

*Common lodging-houses*

**F1939 Keeper of common lodging-house to notify case of infectious disease.**

.....

**F1940 Medical examination of inmates of common lodging-house.**

.....

**F1941 Removal to hospital of inmate of common lodging-house with notifiable disease.**

.....

**F1942 Closure of common lodging-house on account of notifiable disease.**

.....

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*Death of person suffering from notifiable disease*

**F19 43 Person dying in hospital with notifiable disease.**

.....

**F19 44 Isolation of body of person dying with notifiable disease.**

.....

**F19 45 Restriction of wakes.**

.....

**[F29] PART 2A**

PUBLIC HEALTH PROTECTION

**Textual Amendments**

**F29** Pt. 2A inserted (21.7.2008 for specified purposes, 1.4.2009 for the insertion, insofar as relating to E., of ss. 45A, 45C, 45D, 45E, 45F, 45P, 45Q, 45R, 45S and 45T, otherwise 6.4.2010 for E. and 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 129, 170\(1\)\(b\)](#); S.I. 2009/462, art. 3; S.I. 2010/708, art. 6(a) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

*Introductory*

**45A Infection or contamination**

- (1) The following provisions have effect for the interpretation of this Part.
- (2) “ Contamination ” includes radiation.
- (3) Any reference to infection or contamination is a reference to infection or contamination which presents or could present significant harm to human health.
- (4) Any reference to the spread of contamination includes a reference to the spread of any source of contamination.
- (5) Any reference to disinfection or decontamination includes a reference to the removal of any vector, agent or source of the infection or contamination.
- (6) Related expressions are to be read accordingly.

*Power to make regulations*

**45B Health protection regulations: international travel etc.**

- (1) The appropriate Minister may by regulations make provision—
  - (a) for preventing danger to public health from vessels, aircraft, trains or other conveyances arriving at any place,

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- (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).

#### **45C Health protection regulations: domestic**

- (1) The appropriate Minister 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 England and Wales (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 local authorities 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 45D.

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- (6) For the purposes of this Part—
- (a) a “ special restriction or requirement ” means a restriction or requirement which can be imposed by a justice of the peace by virtue of section 45G(2), 45H(2) or 45I(2), but
  - (b) a restriction or requirement mentioned in subsection (4)(a), (b) or (c) is not to be regarded as a special restriction or requirement.

#### **45D Restrictions on power to make regulations under section 45C**

- (1) Regulations under section 45C may not include provision imposing a restriction or requirement by virtue of subsection (3)(c) of that section unless the appropriate Minister 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 45C 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 45C may not include provision imposing a special restriction or requirement mentioned in section 45G(2)(a), (b), (c) or (d).
- (4) Regulations under section 45C 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 appropriate Minister, a local authority or other person;
  - (b) regulations “impose a restriction or requirement” if the restriction or requirement is imposed without any such decision.

#### **45E Medical treatment**

- (1) Regulations under section 45B or 45C may not include provision requiring a person to undergo medical treatment.
- (2) “ Medical treatment ” includes vaccination and other prophylactic treatment.

#### **45F Health protection regulations: supplementary**

- (1) This section makes further provision about regulations under section 45B or 45C (“ health protection regulations ”).
- (2) Health protection regulations may—
  - (a) confer functions on local authorities and other persons;



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- (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 enactment.
- (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—
- (a) imprisonment,
  - <sup>F30</sup>(b) .....
  - <sup>F31</sup>(c) .....
- [ Health protection regulations that create an offence punishable with a fine and a further <sup>F32</sup>(5A) fine for each day on which the default continues after conviction may not provide for the further fine to exceed an amount equal to 2% of the greater of £5,000 or level 4 on the standard scale.]
- (6) Regulations under section 45C must provide for a right of appeal to a magistrates' court 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, thing or premises.
- (7) Regulations under section 45C 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.
- (8) In relation to a special restriction or requirement mentioned in section 45G(2)(c) or (d)—
- (a) the period specified by virtue of subsection (7) 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.

#### Textual Amendments

- F30** S. 45F(5)(b) and the “or” following it omitted (12.3.2015) by virtue of [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 86](#) (with reg. 5(2))

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- F31** S. 45F(5)(c) omitted (12.3.2015) by virtue of [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 3 para. 15(2)** (with reg. 5(1))
- F32** S. 45F(5A) inserted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 3 para. 15(3)** (with reg. 5(1))

### *Orders that may be made by justice of the peace*

#### **45G Power to order health measures in relation to persons**

- (1) A justice of the peace may make an order under subsection (2) in relation to a person (“P”) if the justice 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) The order 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 justice of the peace may make an order under subsection (4) in relation to a person (“P”) if the justice 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) The order 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

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- (b) a person whom P has or may have infected or contaminated.
- (6) An order under this section may also order a person with parental responsibility (within the meaning of the Children Act 1989) for P to secure that P submits to or complies with the restrictions or requirements imposed by the order.
- (7) The appropriate Minister must by regulations make provision about the evidence that must be available to a justice of the peace before the justice 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.

#### **45H Power to order health measures in relation to things**

- (1) A justice of the peace may make an order under subsection (2) in relation to a thing if the justice 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) The order 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 justice of the peace may make an order under subsection (4) in relation to a thing if the justice 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) The order 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

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- (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 appropriate Minister may by regulations make provision about the evidence that must be available to a justice of the peace before the justice 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.

#### **45I Power to order health measures in relation to premises**

- (1) A justice of the peace may make an order under subsection (2) in relation to premises if the justice 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) The order 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 justice of the peace may make an order under subsection (4) in relation to premises if the justice 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) The order 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).

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- (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 appropriate Minister may by regulations make provision about the evidence that must be available to a justice of the peace before the justice 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, thing or premises, includes a reference to passing the source of an infection or contamination to humans, or to the person, thing or premises.

#### **45J Orders in respect of groups**

- (1) The powers in sections 45G, 45H and 45I include power to make an order in relation to a group of persons, things or premises.
- (2) For those purposes, the sections have effect as follows.
- (3) In section 45G—
- (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 45H—
- (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 45I—
- (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.

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#### **45K Part 2A orders: supplementary**

- (1) This section makes further provision about orders under sections 45G, 45H and 45I (referred to in this Part as “ Part 2A orders ”).
- (2) A Part 2A 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 justice considers necessary for the purpose of reducing or removing the risk in question.
- (3) A restriction or requirement contained in a Part 2A order may be expressed to take effect subject to conditions specified in the order.
- (4) Two or more Part 2A orders may be combined in a single order.
- (5) A Part 2A order may contain such directions as the justice considers appropriate to give effect to it.
- (6) Without prejudice to subsection (5)—
  - (a) a Part 2A order may, if the justice is satisfied as mentioned in subsection (4) of section 61, authorise anything which may be authorised by warrant under subsection (3) of that section, and
  - (b) if the order does so, section 62(1) and (1A) have effect as if—
    - (i) the order were a warrant issued under section 61, and
    - (ii) the person so authorised were a proper officer.
- (7) A Part 2A order may order the payment of compensation or expenses in connection with the taking of measures pursuant to the order.
- (8) A Part 2A order is authority for those persons to whom it is addressed to do such things as may be necessary to give effect to it.

#### **45L Period for which Part 2A order may be in force**

- (1) A Part 2A 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 justice of the peace.
- (3) In relation to restrictions or requirements mentioned in section 45G(2)(c) or (d), neither the period specified under subsection (1) nor the period of any extension under subsection (2) may exceed 28 days or such shorter period as the appropriate Minister may by regulations prescribe.
- (4) The appropriate Minister may by regulations prescribe, in relation to any other restrictions or requirements, the maximum period which may be specified under subsection (1) and the maximum period of any extension under subsection (2).

#### **45M Procedure for making, varying and revoking Part 2A orders**

- (1) The power of a justice of the peace to make a Part 2A order is exercisable on the application of a local authority.
- (2) Local authorities must co-operate with each other in deciding which of them should apply for a Part 2A order in any particular case.

*Status: Point in time view as at 28/10/2021.*

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- (3) The appropriate Minister must by regulations require a local authority to give notice to such persons as may be prescribed by the regulations of the making of an application for a Part 2A order, but this is subject to subsection (4).
- (4) If a justice of the peace considers it necessary to do so, the justice may make a Part 2A order without a person having been given such notice as is otherwise required to be given to that person under rules of court or regulations under subsection (3).
- (5) A Part 2A order may be varied or revoked by a justice of the peace on the application of—
  - (a) an affected person,
  - (b) a local authority, 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 45G, the following persons are affected persons—
  - (a) P,
  - (b) a person with parental responsibility (within the meaning of the Children Act 1989) for P,
  - (c) P's husband, wife or civil partner,
  - (d) a person living with P as P's husband, wife or civil partner, and
  - (e) such other persons as may be prescribed by regulations.
- (7) In the case of an order under section 45H(2), 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 by regulations.
- (8) In the case of an order under section 45I(2), 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 by regulations.
- (9) In the case of an order under section 45H(4) or 45I(4), the person required to provide information or answer questions and such other persons as may be prescribed by regulations are affected persons.
- (10) Variation or revocation of a Part 2A order does not invalidate anything done under the order prior to the variation or revocation.
- (11) In this section “ regulations ” means regulations made by the appropriate Minister.

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

- C8** S. 45M modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, [Sch.](#)
- C9** S. 45M modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, [Sch.](#)
- C10** S. 45M modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, [Sch.](#)

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- C11** S. 45M modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, [Sch.](#) (with art. 2)
- C12** S. 45M modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, [Sch.](#)
- C13** S. 45M applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, [Sch. 2](#)
- C14** S. 45M Functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, [Sch. 2](#)
- C15** s. 45M and all functions conferred under SI 2010/658 functions transferred and modified (31.3.2017) by art. 9, Sch. 2 (with art. 9(3))

#### **45N Power to make further provision by regulations**

- (1) The appropriate Minister may by regulations make provision about the taking of measures pursuant to Part 2A 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 2A orders unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.

#### **45O Enforcement of Part 2A 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 2A order, or
  - (b) wilfully obstructs anyone acting in the execution of a Part 2A order.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to [<sup>F33</sup>a fine].
- (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 2A 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.



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- (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.

#### Textual Amendments

**F33** Words in s. 45O(2) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 13\(2\)](#) (with reg. 5(1))

### *Regulations under Part 2A: general*

#### **45P General provision about regulations**

- (1) A power to make regulations under this Part is exercisable by statutory instrument.
- (2) A power to make regulations under this Part includes power to make different provision for different cases or different areas.

#### **45Q Parliamentary control**

- (1) An instrument containing regulations under this Part, except one to which subsection (4) applies, is subject to annulment—
  - (a) in the case of English regulations, in pursuance of a resolution of either House of Parliament;
  - (b) in the case of Welsh regulations, in pursuance of a resolution of the National Assembly for Wales.
- (2) Subject to subsection (3), subsection (4) applies to an instrument containing (whether alone or with other provisions)—
  - (a) regulations under section 45C,
  - (b) regulations which amend an enactment pursuant to section 45F(3),
  - (c) the first regulations to be made under section 45G(7),
  - (d) the first regulations to be made under section 45L(4), or
  - (e) the first regulations to be made under section 45N.
- (3) Subsection (4) does not apply by virtue of subsection (2)(a) if the instrument contains a declaration that the person making it is of the opinion that the instrument does not contain any provision made by virtue of section 45C(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.
- (4) Subject to section 45R, an instrument to which this subsection applies may not be made unless—
  - (a) in the case of English regulations, a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;

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- (b) in the case of Welsh regulations, a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (5) If an instrument, or a draft of an instrument, containing regulations under section 45B or 45C would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.
- (6) In this section—
  - “ English regulations ” means regulations made by the Secretary of State;
  - “ Welsh regulations ” means regulations made by the Welsh Ministers.

#### **45R Emergency procedure**

- (1) This section applies to an instrument to which subsection (4) of section 45Q applies by virtue of subsection (2)(a) or (b) of that section.
- (2) The instrument may be made without a draft having been laid and approved as mentioned in subsection (4) of that section if the instrument contains a declaration that the person making it is of the opinion that, by reason of urgency, it is necessary to make the order without a draft being so laid and approved.
- (3) After an instrument is made in accordance with subsection (2), it must be laid—
  - (a) in the case of English regulations, before each House of Parliament;
  - (b) in the case of Welsh regulations, before the National Assembly for Wales.
- (4) Regulations contained in an instrument 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 the instrument is made unless, during that period, the instrument is approved—
  - (a) in the case of English regulations, by a resolution of each House of Parliament;
  - (b) in the case of Welsh regulations, by a resolution of the National Assembly for Wales.
- (5) But if on any day during that period, on proceedings on a motion that (or to the effect that) the instrument be so approved, either House of Parliament or, as the case may be, the National Assembly for Wales comes to a decision rejecting the instrument, the regulations 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—
  - (a) in the case of English regulations, of any time during which Parliament is prorogued or dissolved or during which both Houses are adjourned for more than 4 days;
  - (b) in the case of Welsh regulations, of any time during which the National Assembly for Wales 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) In this section “ English regulations ” and “ Welsh regulations ” have the same meaning as in section 45Q.

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## *General*

### **45S Application to territorial sea**

The provisions of this Part have effect in relation to the territorial sea adjacent to England or Wales.

### **45T Part 2A: further definitions**

- (1) This Part is to be read in accordance with this section.
- (2) “ Enactment ” means an enactment whenever passed or made, and includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).
- (3) “ Medical examination ” includes microbiological, radiological and toxicological tests.
- (4) “ Special restriction or requirement ” has the meaning given by section 45C(6).
- (5) “ Thing ” includes—
  - (a) human tissue,
  - (b) a dead body or human remains,
  - (c) animals, and
  - (d) plant material.
- (6) “ The appropriate Minister ” means—
  - (a) the Secretary of State, as respects England (including the sea adjacent to England out as far as the seaward boundary of the territorial sea);
  - (b) the Welsh Ministers, as respects Wales (including the sea adjacent to Wales out as far as that boundary).
- (7) An order made under section 158(3) of the Government of Wales Act 2006 (orders to determine boundary of the sea adjacent to Wales) applies for the purposes of subsection (6) as it applies for the purposes of that Act.
- (8) Any reference to amending an enactment includes a reference to repealing, revoking or modifying the application of an enactment, 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 III**

### *Disposal of Dead Bodies*

### **46 Burial and cremation.**

- (1) It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears

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to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.

- [<sup>F34</sup>(2) Any council which is the local authority for the purposes of the Local Authority Social Services Act 1970 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part 1 of the Care Act 2014.
- (2A) A local authority within the meaning of the Social Services and Well-being (Wales) Act 2014 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part 4 of that Act.]
- (3) An authority shall not cause a body to be cremated under subsection (1) or (2) above where they have reason to believe that cremation would be contrary to the wishes of the deceased.
- (4) Subsections (1) and (2) above do not affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.
- (5) An authority may recover from the estate of the deceased person <sup>F35</sup>... expenses incurred under subsection (1) or subsection (2) above, <sup>F36</sup>...
- (6) Without prejudice to any other method of recovery, a sum due to an authority under subsection (5) above is recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due.
- (7) The Secretary of State may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this section.
- (8) The Secretary of State may by order made by statutory instrument direct that this section, in its application to the Isles of Scilly, shall have effect subject to exceptions, adaptations and modifications.

#### Textual Amendments

- F34** S. 46(2)(2A) substituted for s. 46(2) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **41**
- F35** Words in s. 46(5) repealed (6.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 147(1)(g), 170(3)(4), **Sch. 15 Pt. 5** (with Sch. 13); S.I. 2009/462, art. 4(a)(c); S.I. 2009/631, art. 2(a)(c)
- F36** Words repealed by [Social Security Act 1986 \(c. 50\)](#), SIF 113:1), s. 86, **Sch. 11**

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

- C16** S. 46 modified (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C17** S. 46 modified (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C18** S. 46 modified (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C19** S. 46 applied (with modifications) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C20** S. 46: functions transferred and modified (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, **Sch. 2**
- C21** S. 46: functions etc. assigned to the port health authority and modified (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

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**C22** S. 46(3) excluded (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\), s. 87\(1\), Sch. 28 para. 13\(4\)\(a\)](#) (with [ss. 88-90](#)) (which affecting provision is suspended (W.) (24.9.2021) by [S.I. 2021/1042, regs. 1\(2\), 2\(b\)](#) and (E.) (28.10.2021), by [S.I. 2021/1199, regs. 1\(2\), 2](#)) (and which affecting provision expires (25.3.2022) by virtue of [Coronavirus Act 2020 \(c. 7\), s. 89](#))

#### **47 Regulations about dead bodies.**

- (1) The Secretary of State may make regulations imposing any conditions and restrictions—
  - (a) with respect to means of disposal of dead bodies otherwise than by burial or cremation,
  - (b) as to the period of time a body may be retained after death on any premises, or
  - (c) with respect to embalming or preservation,which may appear to be desirable in the interests of public health or public safety.
- (2) The power to make regulations under this section shall be exercisable by statutory instrument.

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

- C23** S. 47 modified (7.8.1991) by [S.I. 1991/1773, art. 8\(2\)\(3\), Sch. 2](#)  
S. 47 modified (10.1.1992) by [S.I. 1991/2913, art. 8\(2\)\(3\), Sch. 2](#)
- C24** S. 47: certain functions transferred (7.8.1991) by [S.I. 1991/1773, art. 8\(1\)\(3\), Sch. 2](#)  
S. 47: certain functions transferred (10.1.1992) by [S.I. 1991/2913, art. 8\(1\)\(3\), Sch. 2](#)

#### **48 Removal of body to mortuary or for immediate burial.**

- (1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a certificate of the proper officer of the local authority for the district in which a dead body lies, that the retention of the body [<sup>F37</sup>in any place would endanger the health of any person], he may order—
  - (a) that the body be removed by, and at the cost of, the local authority to a mortuary, and
  - (b) that the necessary steps be taken to secure that it is buried within a time limited by the order or, if he considers immediate burial necessary, immediately.
- (2) Where an order is made under subsection (1) above, relatives or friends of the deceased person shall be deemed to comply with the order if they cause the body to be cremated within the time limited by the order or, as the case may be, immediately.
- (3) An order under this section shall be an authority to any officer named in it to do all acts necessary for giving effect to the order.

##### **Textual Amendments**

- F37** Words in [s. 48\(1\)](#) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 7; S.I. 2010/708, art. 6\(e\) \(with Sch. 2\); S.I. 2010/1547, art. 2\(e\) \(with Sch. 1\)](#)

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

- C25** S. 48 applied by [S.I. 1988/1546, reg. 3, Sch. 1](#)

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- C26** S. 48 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch.2**  
S. 48 modified (10.1.1992) by S.I. 1991/2913, art. 8(2)(3), **Sch. 2**
- C27** S. 48: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), **Sch.2**  
S. 48: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8(1)(3), **Sch. 2**
- C28** S. 48 modified (E.) (6.4.2010) by The Bristol Port Health Authority Order 2010 (S.I. 2010/1214), arts. 1, 4, **Sch.**
- C29** S. 48 modified (E.) (6.4.2010) by The Cornwall Port Health Authority Order 2010 (S.I. 2010/1215), arts. 1(1), 4, **Sch.** (with art. 2)
- C30** S. 48 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C31** S. 48 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C32** S. 48 modified (E.) (6.4.2010) by The Southampton Port Health Authority Order 2010 (S.I. 2010/1218), arts. 1(1), 4, **Sch.**
- C33** S. 48 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 9, **Sch. 2**
- C34** S. 48 Functions transferred and modified (E.) (14.6.2016) by The River Tees Port Health Authority Order 2016 (S.I. 2016/644), arts. 1(1), 9, **Sch. 2**
- C35** S. 48 functions etc. assigned to the port health authority and modified (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

## PART IV

### Canal Boats

#### 49 Regulations as to canal boats.

- (1) It shall be the duty of the Secretary of State to make regulations—
- (a) for fixing the number, age and sex of the persons who may be permitted to dwell in canal boats, regard being had to cubic space, ventilation, provision for the separation of the sexes, general healthiness and convenience of accommodation, [<sup>F38</sup>and]
  - (b) for promoting cleanliness in, and ensuring the habitable condition of, canal boats, <sup>F39</sup>...
  - <sup>F39</sup>(c) .....
- (2) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) If any regulation in force under this section is not complied with as respects a canal boat, the master of the boat, and also the owner, if he is himself in default, shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, and to a further fine not exceeding £2 for each day after conviction on which the non-compliance continues.

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**Textual Amendments**

- F38** Word in s. 49(1)(a) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 8\(a\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F39** S. 49(1)(c) and word preceding it repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 8\(b\)](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

**<sup>F40</sup>50 Power to enter and inspect canal boats.**

.....

**Textual Amendments**

- F40** S. 50 repealed (1.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 2 para. 1\(1\)](#), [Sch. 10 Pt. 2](#) (with s. 97)

**51 Duties of local authorities and port health authorities under Part IV.**

<sup>F41</sup>(1) .....

(2) It shall be the duty of any local authority within whose district any part of a canal is situated to carry into effect <sup>F42</sup>... the regulations made under section 49 above.

**Textual Amendments**

- F41** S. 51(1) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 10\(a\)](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)
- F42** Words in s. 51(2) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 10\(b\)](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

**<sup>F43</sup>52 Prosecution of offences under Part IV.**

.....

**Textual Amendments**

- F43** S. 52 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 11](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

**53 Interpretation of Part IV.**

In this Part of this Act—

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“canal” includes any river, inland navigation or lake, and any other waters situated wholly or partly within a county [<sup>F44</sup>or county borough], whether those waters are or are not within the ebb and flow of the tide;

“canal boat” means any vessel, however propelled, which is used for the conveyance of goods along a canal, not being—

- (a) a sailing barge which belongs to the class generally known as “Thames sailing barge” and is registered under the [<sup>F45</sup>Merchant Shipping Act 1995], either in the Port of London or elsewhere, or
- (b) a sea-going ship so registered, or
- (c) a vessel used for pleasure purposes only;

“master”, in relation to a canal boat, means the person having command or charge of the boat; and

“owner”, in relation to a canal boat, includes a person who, though only the hirer of the boat, appoints the master and other persons working the boat.

#### Textual Amendments

**F44** S. 53: words in the definition of “canal”

inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 13(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

**F45** S. 53: words in paragraph (a) of the definition of “canal boat”

substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 69(a)** (with s. 312(1))

## PART V

### Miscellaneous

#### <sup>F46</sup>54 Instruction about health and disease.

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#### Textual Amendments

**F46** Ss. 54-57 repealed (6.4.2010 for E., 26.7.2010 for W.) by **Health and Social Care Act 2008 (c. 14)**, s. 170(3)(4), **Sch. 11 para. 12**, **Sch. 15 Pt. 3**; S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

#### <sup>F46</sup>55 Inducements offered by dealers in rags and old clothes.

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#### Textual Amendments

- F46** Ss. 54-57 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 12](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e)(f) (with [Sch. 1](#))

### <sup>F47F46</sup>**56 Tents, vans, sheds and similar structures.**

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#### Textual Amendments

- F46** Ss. 54-57 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 12](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e)(f) (with [Sch. 1](#))
- F47** S. 56 omitted (27.1.2010) by [The Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [Sch. 6 para. 3](#); S.I. 2010/112, art. 2(g)

## PART VI

### GENERAL

### <sup>F46</sup>**57 General provision for compensation.**

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#### Textual Amendments

- F46** Ss. 54-57 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 12](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e)(f) (with [Sch. 1](#))

### **58 Form of notices and other documents.**

- (1) All notices, orders and other documents authorised or required by or under this Act to be given, made or issued by a [<sup>F48</sup>relevant health protection authority], and all notices and applications authorised or required by or under this Act to be given, made or issued by a [<sup>F48</sup>relevant health protection authority], and all notices and applications authorised or required by or under this Act to be given or made to or to any officer of a [<sup>F48</sup>relevant health protection authority], shall be in writing.
- (2) The Secretary of State may by regulations made by statutory instrument prescribe the form of any notice, certificate or other document to be used for the purposes of this Act, and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

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### Textual Amendments

- F48** Words in s. 58(1) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 13](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

## 59 Authentication of documents.

- (1) Any notice, order or other document which a [<sup>F49</sup>relevant health protection authority] are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority—
- (a) by the proper officer of the authority as respects documents relating to matters within his province, or
  - (b) by any officer of the authority authorised by them in writing to sign documents of the particular or, as the case may be, the particular document.
- (2) Any document purporting to bear the signature of an officer—
- (a) expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or
  - (b) expressed to be duly authorised by the [<sup>F49</sup>relevant health protection authority] to sign such a document or the particular document,
- shall, for the purposes of this Act, and of any [<sup>F50</sup>regulations] and orders made under it, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the [<sup>F49</sup>relevant health protection authority].
- (3) In subsection (2) above “signature” includes a facsimile of a signature by whatever process reproduced.

### Textual Amendments

- F49** Words in s. 59 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 14\(a\)](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))
- F50** Word in s. 59(2) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 14\(b\)](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

## 60 Service of notices and other documents.

Any notice, order or other document which is required or authorised by or under this Act to be given to or served on any person may, in any case for which no other provision is [<sup>F51</sup>made by or under this Act], be given or served either—

- (a) by delivering it to that person—
- (b) in the case of a coroner or the proper officer of a local authority, by leaving it or sending it in a prepaid letter addressed to him, at either his residence or his office, and, in the case of any other officer of a local authority, by leaving it or sending it in a prepaid letter addressed to him, at his office, or
- (c) in the case of any other person, by leaving it, or sending it in a prepaid letter addressed to him, at his usual or last known residence, or

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- (d) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office, or
- (e) in the case of a document to be given to or served on a person as being the owner of any premises by virtue of the fact that he receives the rackrent of the premises as agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a prepaid letter addressed to him, at his place of business, or
- (f) in the case of a document to be given to or served on the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to which it relates, and delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

#### Textual Amendments

**F51** Words in s. 60 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 15](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

#### [<sup>F52</sup>60A Electronic communications

- (1) The appropriate Minister may by regulations make provision enabling notices, orders and other documents specified in the regulations to be given or served by an electronic communication.
- (2) Such provision must however secure that the notices, orders and other documents specified in the regulations may only be so given or served if—
  - (a) the person to whom they are to be given or on whom they are to be served has consented in writing to the receipt of notices, orders and other documents by an electronic communication, and
  - (b) the communication is sent to the number or address specified by that person when giving consent.
- (3) The power to make regulations under this section is exercisable by statutory instrument.
- (4) An instrument containing any such regulations is subject to annulment—
  - (a) in the case of regulations made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
  - (b) in the case of regulations made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.
- (5) Sections 58 to 60 are to be read subject to any provision made in regulations under this section.
- (6) In this section—

“electronic communication” has the same meaning as in the Electronic Communications Act 2000,

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“notices, orders and other documents” means notices, orders and other documents authorised or required by or under this Act to be given or served, and

“the appropriate Minister” means—

- (a) the Secretary of State, in relation to England;
- (b) the Welsh Ministers, in relation to Wales.]

### Textual Amendments

**F52** S. 60A inserted (21.7.2008 for specified purposes, otherwise 6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(1)(b), [Sch. 11 para. 16](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

## 61 Power to enter premises.

- (1) Subject to the provisions of this section, any [<sup>F53</sup>proper officer of a relevant health protection authority] shall, on producing, if so required, some duly authenticated document showing his authority have a right to enter any premises at all reasonable hours—
  - [<sup>F54</sup>(a) for the purposes of ascertaining whether there is, or has been, any contravention of a relevant provision of this Act, or of an order made by a justice of the peace under Part 2A of this Act, which it is the function of the relevant health protection authority to enforce,]
  - (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the [<sup>F55</sup>relevant health protection authority] to take any action, or execute any work, under such a provision [<sup>F56</sup>or in relation to such an order],
  - (c) for the purpose of taking any action, or executing any work, authorised or required by such a provision [<sup>F57</sup>or in relation to such an order], or by any order made under such a provision, to be taken, or executed, by the [<sup>F58</sup>relevant health protection authority], or
  - (d) generally, for the purpose of the performance by the [<sup>F59</sup>relevant health protection authority] of their functions under such a provision [<sup>F60</sup>or in relation to such an order].
- (2) Admission to any premises <sup>F61</sup>... shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.
- [<sup>F62</sup>(2A) 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 justice of the peace under subsection (3) to issue a warrant authorising entry to a private dwelling or to any part of premises used as a private dwelling).]
- (3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
  - (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, and
  - (b) that there is reasonable ground for entry into the premises for any such purpose as is mentioned in subsection (1) above.

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the justice may by warrant under his hand authorise [<sup>F63</sup>the relevant health protection authority by any proper officer] to enter the premises, if need be by force.

- (4) Such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

#### Textual Amendments

- F53** Words in s. 61(1) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(a)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F54** S. 61(1)(a) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(b)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F55** Words in s. 61(1)(b) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(ii)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F56** Words in s. 61(1)(b) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(i)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F57** Words in s. 61(1)(c) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(i)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F58** Words in s. 61(1)(c) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(ii)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F59** Words in s. 61(1)(d) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(ii)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F60** Words in s. 61(1)(d) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(i)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F61** Words in s. 61(2) repealed (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(3)**, **Sch. 15 Pt. 3**; S.I. 2010/708, art. 6(e)(f) (with Sch. 2)
- F62** S. 61(2A) inserted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(4)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F63** Words in s. 61(3) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(5)**; S.I. 2010/708, art. 6(e) (with Sch. 2)

## 62 Supplementary provisions as to entry.

- (1) [<sup>F64</sup>A proper officer (“the officer”)] entering any premises by virtue of section 61 above, or of a warrant issued under that section, may take with him such other persons [<sup>F65</sup>and such equipment and materials] as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant he shall leave them as effectively secured against trespassers as he found them.

[<sup>F66</sup>(1A) 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

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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.]

- (2) Every warrant issued under that section shall continue in force until the purpose for which the entry is necessary has been satisfied.

<sup>F67</sup>(3) . . . . .

- [<sup>F68</sup>(4) Nothing in section 61 or this section limits the provisions of Parts 2A and 4, and of regulations made under Part 2A, with respect to entry into or upon, and inspection of, any premises.]

#### Textual Amendments

- F64** Words in s. 62(1) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(2\)\(a\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F65** Words in s. 62(1) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(2\)\(b\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F66** S. 62(1A) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(3\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F67** S. 62(3) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(4\), Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)
- F68** S. 62(4) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(5\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

#### [<sup>F69</sup>63 Offence of wilful obstruction.

- (1) A person commits an offence if the person wilfully obstructs any person acting in the execution of a provision of Part 3 or 4 or this Part, or of any regulations, order or warrant made or issued under such a provision.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction—
- (a) in the case of an offence of wilfully obstructing a person in the execution of a provision of Part 4 or of any regulations made under a provision of that Part, to a fine not exceeding level 1 on the standard scale, and
- (b) in any other case, to [<sup>F70</sup>a fine].]

#### Textual Amendments

- F69** S. 63 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 19](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

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**F70** Words in s. 63(2)(b) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 13\(3\)](#) (with reg. 5(1))

## [<sup>F71</sup> 63A Offences by bodies corporate

- (1) If an offence created by or under this Act is committed by a body corporate and is proved—
  - (a) to have been committed with the consent or connivance of an officer, or
  - (b) to be attributable to any neglect on the part of an officer,the officer (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) “Officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) applies to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

### Textual Amendments

**F71** Ss. 63A, 63B inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 20](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

## 63B Unincorporated associations

- (1) Proceedings for an offence alleged to have been committed by an unincorporated association are to be brought in the name of the association (and not in that of any of the members).
- (2) Rules of court relating to the service of documents have effect as if the unincorporated association were a body corporate.
- (3) In proceedings for an offence brought against an unincorporated association, Schedule 3 to the Magistrates' Courts Act 1980 applies as it applies to a body corporate.
- (4) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.
- (5) If an offence committed by an unincorporated association is proved—
  - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
  - (b) to be attributable to any neglect on the part of such an officer or member,the officer or member (as well as the association) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (6) In this section, “ offence ” means an offence created by or under this Act. ]

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#### Textual Amendments

- F71** Ss. 63A, 63B inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 20](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

## 64 Restriction on right to prosecute.

[<sup>F72</sup>(1) Proceedings in respect of an offence created by a provision of, or regulations under, this Act may not be taken by any person other than—

- (a) a relevant health protection authority,
- (b) a body whose function it is to enforce the provision or regulation in question, or
- (c) a person who made (or whose predecessors made) the regulation in question.]

<sup>F73</sup>(2) .....

#### Textual Amendments

- F72** S. 64(1) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 21\(2\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F73** S. 64(2) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 21\(3\)](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

## [<sup>F74</sup>64A Time limits for prosecutions

(1) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, a magistrates' court may try an information (or written charge) relating to an offence created by or under this Act if the information is laid (or the charge is issued)—

- (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.

(2) For the purposes of subsection (1)(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.]

#### Textual Amendments

- F74** S. 64A inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 22](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)



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## 65 Daily penalties for continuing offences.

Where by or under this Act provision is made 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.

## <sup>F75</sup>66 .....

### Textual Amendments

**F75** S. 66 repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. I](#)

## 67 Applications to, and appeals from magistrates' courts.

- (1) Where this Act [<sup>F76</sup>or a provision contained in regulations made under this Act] provides for any matter to be determined by, or for an application in respect of a matter to be made to, a magistrates' court, the procedure shall be by way of complaint for an order.
- (2) Where a person aggrieved by any order, determination or other decision of a magistrates' court under a relevant provision of this Act is not by any other enactment authorised to appeal to the Crown Court, he may appeal to the Crown Court.

## <sup>F77</sup>(3) .....

### Textual Amendments

**F76** Words in s. 67(1) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 23\(2\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

**F77** S. 67(3) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 23\(3\)](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

## 68 Judges and justices not to be disqualified by liability to rates.

A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a local authority are to be defrayed.

## <sup>F78</sup>69 Protection from personal liability.

- (1) Nothing done by a relevant health protection authority or by one of its officers, and no contract entered into by such an authority, is to subject the authority or officer to

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any action, liability, claim or demand whatsoever if the thing is done, or the contract is entered into, bona fide for the purposes of executing a relevant provision of this Act.

- (2) Any expense incurred by any such authority or officer acting bona fide as mentioned in subsection (1) is to be borne and repaid out of the fund applicable by the authority to its functions of executing the provision in question.
- (3) Reference in this section to an officer of a relevant health protection authority also includes a member of that authority and any person acting under the direction of that authority.]

#### Textual Amendments

**F78** S. 69 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 24](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

#### <sup>F79</sup>70 Local inquiries .

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#### Textual Amendments

**F79** S. 70 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 25](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e)(f) (with [Sch. 1](#))

#### [<sup>F80</sup>71 Default powers.

- (1) Subsection (2) applies if the appropriate Minister is satisfied that a relevant health protection authority has failed to discharge its functions under a relevant provision of this Act in any case where it ought to have discharged them.
- (2) The appropriate Minister may make an order—
  - (a) declaring the authority to be in default, and
  - (b) directing the authority to discharge such of its functions, and in such manner and within such time or times, as may be specified in the order.
- (3) If the authority fails to comply with a requirement of the order within the specified time, the appropriate Minister may—
  - (a) enforce the order by mandatory order or otherwise, or
  - (b) make an order transferring such of the functions of the authority to the Minister or such other public authority as may be specified in the order.
- (4) If functions are transferred by virtue of subsection (3)(b) to the Minister, the Minister may direct another public authority to discharge them on the Minister's behalf.
- (5) An order under subsection (3)(b) may include provision about the funding of the functions, including provision requiring the relevant health protection authority to bear any costs associated with the discharge of those functions by or on behalf of the Minister or other public authority.

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- (6) The appropriate Minister may vary or revoke an order made by the Minister under subsection (3)(b), but without prejudice to anything previously done under it.
- (7) If such an order is revoked, the appropriate Minister may, either by the revoking order or by a subsequent order, make provision with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by or on behalf of the Minister or other public authority in discharging any functions to which the revoking order related.]

#### Textual Amendments

**F80** S. 71 substituted (21.7.2008 for specified purposes, otherwise 6.4.2010 for E. and 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170, [Sch. 11 para. 26](#); [S.I. 2010/708](#), art. 6(e) (with [Sch. 2](#)); [S.I. 2010/1547](#), art. 2(e) (with [Sch. 1](#))

## 72 Cumulative effect of Act.

All powers and duties conferred or imposed [<sup>F81</sup>by or under this Act] shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by Act, law or custom ; and, subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised, and shall be performed, in the same manner as if this Act had not been passed.

#### Textual Amendments

**F81** Words in s. 72 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 27](#); [S.I. 2010/708](#), art. 6(e) (with [Sch. 2](#)); [S.I. 2010/1547](#), art. 2(e) (with [Sch. 1](#))

## 73 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—
  - (a) the council of the county, or
  - (b) the local authority of the district,in which the property is situated that any relevant provision of this Act 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 (including, with the approval of the Treasury, provisions of a financial character) as appear to the appropriate authority to be necessary or equitable.
- (4) In this section, “the appropriate authority” means—

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- (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 ;
- and, if any question arises as to what authority is the appropriate authority in relation to any property, that question shall be referred to the treasury, whose decision shall be final.

[<sup>F82</sup>(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.]

#### Textual Amendments

**F82** S. 73(5) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 28](#); [S.I. 2010/708](#), art. 6(e) (with [Sch. 2](#)); [S.I. 2010/1547](#), art. 2(e) (with [Sch. 1](#))

## 74 Interpretation.

In this Act, unless the context otherwise requires—

“authorised officer”, in relation to a local authority, means—

- (a) an officer of the authority authorised by them in writing, either generally or specially, to act in matters of a specified kind or in a specified matter, or
- (b) by virtue of his appointment and for the purpose of matters within his province, a proper officer of the authority, appointed for purposes corresponding to any of those of the former medical officers of health, surveyors and sanitary inspectors;

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[<sup>F84</sup> “district” means—

- (a) in relation to a local authority in Greater London, a London borough, the City of London, the Inner Temple or the Middle Temple,
- (b) in relation to a local authority in England for an area for which there is no district council, that area,
- (c) in relation to a local authority in Wales, a county or county borough,
- (d) in relation to the Council of the Isles of Scilly, those Isles;]

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“functions” includes powers and duties;

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“local authority” has the meaning given by [F85 section 1(1)] above;

“London port health authority” and “London port health district” have the meanings given by section 7 above;

F83  
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F83  
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“officer” includes servant;

“owner” means the person for the time being receiving the rackrent 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 rackrent if those premises were let at a rackrent;

“port” has the meaning given by section 2(1) above;

“Port of London” has the meaning given by section 6 above;

[F86 “premises” includes any place and, in particular, includes—  
(a) any vehicle, train, vessel or aircraft,  
(b) any tent or movable structure, and  
(c) any offshore installation (as defined in section 12(1) of the Mineral Workings (Offshore Installations) Act 1971);]

“proper officer” means, in relation to a purpose and to an authority, an officer appointer for that purpose by that authority;

[F87 “public authority” has the meaning given in section 6(3) of the Human Rights Act 1998;]

“rackrent” in relation to any property means a rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and deducting from it the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such a rent;

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[F87 “relevant health protection authority” means—  
(a) a local authority, port health authority or joint board with functions under a relevant provision of this Act, and  
(b) if regulations under Part 2A confer functions on a public authority of any other description and state that the authority is to be regarded as

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a relevant health protection authority with respect to those functions, that authority;]

“relevant provision of this Act” means a provision of this Act [<sup>F88</sup>(including a provision in regulations made under this Act)] other than section 46;

“riparian authority” has the meaning given by section 2(2) above;

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“vessel” has the same meaning as [<sup>F90</sup>“ship” in the Merchant Shipping Act 1995] except that it includes a hovercraft within the meaning of the <sup>M10</sup> Hovercraft Act 1968, and “master” shall be construed accordingly.

#### Textual Amendments

- F83** Definitions of "coastal waters", "common lodging-house", "dustbin", "factory", "hospital", "house", "inland waters", "local Act", "NHS trust" and "NHS contract", "notifiable disease" "rating district", "school" and "street" in s. 74 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(7\), Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)
- F84** Definition of "district" in s. 74 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(2\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F85** S. 74: words in the definition of "local authority" substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(3\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F86** Definition of "premises" in s. 74 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(4\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F87** Definitions of "public authority" and "relevant health protection authority" in s. 74 inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(6\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F88** S. 74: words in the definition of "relevant provision of this Act" inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(5\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F89** Definition of "standard scale" in s. 74 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIV](#)
- F90** S. 74: words in the definition of “vessel” substituted (1.1.1996) by [1995 c. 21, ss. 314\(2\), 316\(2\), Sch. 13 para. 69\(b\)](#) (with s. 312(1))

#### Marginal Citations

**M10** 1968 c. 59.

## 75 Inner Temple and Middle Temple.

In relation to the Inner Temple and the Middle Temple, any reference in a provision of this Part of this Act to an officer or authorised officer of a local authority is a reference to an officer authorised by the Sub-Treasurer or the Under Treasurer, as the case may be, to act for the purposes of that provision.

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**F91 76 Isle of Man and Channel Islands.**

.....

**Textual Amendments**

**F91** S. 76 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 11 para. 30, [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

**77 Transitional provisions and savings.**

The transitional provisions and savings in Schedule 1 to this Act shall have effect.

**78 Amendments and repeals.**

Subject to section 77 above—

- (a) the Acts specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, and
- (b) the Acts specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**79 Short title, commencement and extent.**

(1) This Act may be cited as the Public Health (Control of Disease) Act 1984.

<sup>F92</sup>(2) .....

(3) This Act shall not extend to Scotland or to Northern Ireland.

**Textual Amendments**

**F92** S. 79(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

**Status:**

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**Changes to legislation:**

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