



Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

[^{F1}PART 2A

PUBLIC HEALTH PROTECTION

[^{F1}Power to make regulations

Textual Amendments

F1 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)

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,
 - (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,

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- (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.
- (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.

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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;
 - (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;

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- (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,
 - ^{F2}(b)
 - ^{F3}(c)
- ^{F4}(5A) [Health protection regulations that create an offence punishable with a fine and a further 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

- F2** 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))
- F3** 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))
- F4** 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))

Changes to legislation:

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