



Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

[^{F1}PART 2A

PUBLIC HEALTH PROTECTION

Orders that may be made by justice of the peace

[^{F1} 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.
- (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,

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- (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.]

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)

Modifications etc. (not altering text)

- C1** S. 45M modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, [Sch.](#)
- C2** S. 45M modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, [Sch.](#)
- C3** S. 45M modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, [Sch.](#)
- C4** 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)
- C5** S. 45M modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, [Sch.](#)
- C6** 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](#)
- C7** 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](#)
- C8** 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))

Changes to legislation:

There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Section 45M .