
STATUTORY INSTRUMENTS

1985 No. 434**PUBLIC HEALTH, ENGLAND AND WALES****The Public Health (Infectious Diseases) Regulations 1985**

<i>Made</i> - - - - -	19th March 1985
<i>Laid before Parliament</i>	21st March 1985
<i>Coming into Operation</i>	22nd March 1985

The Secretary of State for Social Services as respects England and the Secretary of State for Wales as respects Wales in exercise of the powers conferred upon them by section 13(1), (2) and (4) of the Public Health (Control of Disease) Act 1984(a) and of all other powers enabling them in that behalf hereby make the following regulations:—

Citation, commencement and interpretation

1.— (1) These regulations may be cited as the Public Health (Infectious Diseases) Regulations 1985 and shall come into operation on 22nd March 1985.

(2) In these regulations “the Act” means the Public Health (Control of Disease) Act 1984.

Public health enactments applied to acquired immune deficiency syndrome

2.— (1) Subject to regulation 3, there shall apply to acquired immune deficiency syndrome the enactments in the Act listed in paragraph (2) below as if any reference therein to notifiable disease included a reference to acquired immune deficiency syndrome.

- (2) The enactments in the Act to which paragraph (1) above applies are—
- section 35 (Medical examination);
 - section 37 (Removal to hospital of person with notifiable disease);
 - section 38 (Detention in hospital of person with notifiable disease);
 - section 43 (Person dying in hospital with notifiable disease);
 - section 44 (Isolation of body of person dying with notifiable disease).

(a) 1984 c.22.

Modification of section 38 of the Act as it is applied to acquired immune deficiency syndrome

3.— (1) In its application to acquired immune deficiency syndrome section 38(1) of the Act shall be modified in accordance with paragraph (2) below.

(2) The said section 38(1) shall in addition to the circumstances specified in that section apply so that a justice of the peace may on the application of any local authority (acting if he deems it necessary *ex parte*) make an order for the detention in hospital of an inmate of that hospital suffering from acquired immune deficiency syndrome if the justice is satisfied that on his leaving the hospital proper precautions to prevent the spread of that disease would not be taken by him—

- (a) in his lodging or accommodation, or
- (b) in other places to which he may be expected to go if not detained in the hospital.

Enforcement

4. These regulations shall be enforced and executed—

- (a) in a district, by the local authority for that district, or
- (b) in a port health district, by the port health authority for that district so far as these regulations are applicable thereto.

Signed by authority of the Secretary of State for Social Services.

John Patten,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

19th March 1985.

Nicholas Edwards,
Secretary of State for Wales.

19th March 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision for public health provisions of the Public Health (Control of Disease) Act 1984 specified in regulation 2 of these regulations, which apply to notifiable diseases and the prevention of the spread of such diseases, to apply also to acquired immune deficiency syndrome.

The regulations make provision for local authorities and port health authorities to enforce the provisions in their respective areas. The regulations also modify section 38 of the 1984 Act which makes provision for detention in a hospital of a person suffering from a notifiable disease so that that section applies to acquired immune deficiency syndrome in circumstances where a justice of the peace is satisfied that proper precautions to prevent the spread of the disease would not be taken, in addition to the circumstances provided for in that section.

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