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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Paragraph 26. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 11

#### PUBLIC HEALTH PROTECTION: FURTHER AMENDMENTS

##### *Public Health (Control of Disease) Act 1984*

26 For section 71 of the 1984 Act substitute—

#### **“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.
- (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.”

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#### Commencement Information

- I1** Sch. 11 para. 26 partly in force; Sch. 11 para. 26 in force for specified purposes at Royal Assent, see s. 170
- I2** Sch. 11 para. 26 in force at 6.4.2010 for E. in so far as not already in force by S.I. 2010/708, art. 6(e) (with Sch. 2)
- I3** Sch. 11 para. 26 in force at 26.7.2010 for W. in so far as not already in force by S.I. 2010/1547, art. 2(e) (with Sch. 1)

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