
STATUTORY INSTRUMENTS

2010 No. 658

The Health Protection (Part 2A Orders) Regulations 2010

Evidence required for a Part 2A application in relation to persons

4.—(1) A justice of the peace cannot be satisfied that the criteria in section 45G(1) or (3) of the Act (power to order health measures in relation to persons) are met unless the evidence listed in paragraph (2) is available to the justice.

(2) That evidence is—

- (a) a report which gives details (insofar as known and relevant), or gives reasons for the omission of details, of—
 - (i) the signs and symptoms of the infection or contamination in the person (P) who is the subject of the application,
 - (ii) P’s diagnosis,
 - (iii) the outcome of clinical or laboratory tests, and
 - (iv) P’s recent contacts with, or proximity to, a source or sources of infection or contamination;
- (b) a summary of the characteristics and effects of the infection or contamination which P has or may have which includes an explanation of—
 - (i) the mechanism by which the infection or contamination spreads,
 - (ii) how easily the infection or contamination spreads amongst humans, and
 - (iii) the impact of the infection or contamination on human health (by reference to pain, disability and the likelihood of death);
- (c) in relation to applications seeking an order under section 45G(2), an assessment of the risk to human health that P presents, including a description of any acts or omissions, or anticipated acts or omissions, of P which affect that risk;
- (d) in relation to applications seeking an order under section 45G(4), an assessment of the risk to human health that the related party(1) presents, including any acts or omissions, or anticipated acts or omissions, of the related party which affect that risk;
- (e) in relation to applications seeking an order under section 45G(2), an assessment of the options available to deal with the risk that P presents; and
- (f) in relation to applications seeking an order under section 45G(4), an assessment of the options available to deal with the risk that the related party presents.

(3) A report under paragraph (2)(a) must include the details mentioned in at least one of paragraphs (2)(a)(i) to (iv) .

(4) The evidence must be given by persons who are suitably qualified to give the evidence.

(5) The evidence may be given orally or in writing.

(1) See section 45G(5) of the Public Health (Control of Disease) Act 1984 (c.22) for the definition of “related party”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
