



# Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

[<sup>F1</sup>PART 2A

PUBLIC HEALTH PROTECTION

*[<sup>F1</sup>Orders that may be made by justice of the peace*

## 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)

## 45G Power to order health measures in relation to persons

- (1) A justice of the peace may make an order under subsection (2) in relation to a person (“P”) if the justice is satisfied that—
  - (a) P is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that P might infect or contaminate others, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) The order may impose on or in relation to P one or more of the following restrictions or requirements—
  - (a) that P submit to medical examination;
  - (b) that P be removed to a hospital or other suitable establishment;
  - (c) that P be detained in a hospital or other suitable establishment;

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- (d) that P be kept in isolation or quarantine;
  - (e) that P be disinfected or decontaminated;
  - (f) that P wear protective clothing;
  - (g) that P provide information or answer questions about P's health or other circumstances;
  - (h) that P's health be monitored and the results reported;
  - (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
  - (j) that P be subject to restrictions on where P goes or with whom P has contact;
  - (k) that P abstain from working or trading.
- (3) A justice of the peace may make an order under subsection (4) in relation to a person (“P”) if the justice is satisfied that—
- (a) P is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related party might infect or contaminate others, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) The order may impose on or in relation to P a requirement that P provide information or answer questions about P's health or other circumstances (including, in particular, information or questions about the identity of a related party).
- (5) “ Related party ” means—
- (a) a person who has or may have infected or contaminated P, or
  - (b) a person whom P has or may have infected or contaminated.
- (6) An order under this section may also order a person with parental responsibility (within the meaning of the Children Act 1989) for P to secure that P submits to or complies with the restrictions or requirements imposed by the order.
- (7) The appropriate Minister must by regulations make provision about the evidence that must be available to a justice of the peace before the justice can be satisfied as mentioned in subsection (1) or (3).
- (8) Any reference in this section to a person who is infected or contaminated includes a reference to a person who carries the source of an infection or contamination, and any reference to infecting or contaminating others includes a reference to passing that source to others.

#### **45H Power to order health measures in relation to things**

- (1) A justice of the peace may make an order under subsection (2) in relation to a thing if the justice is satisfied that—
- (a) the thing is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that the thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) The order may impose in relation to the thing one or more of the following restrictions or requirements—

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- (a) that the thing be seized or retained;
  - (b) that the thing be kept in isolation or quarantine;
  - (c) that the thing be disinfected or decontaminated;
  - (d) in the case of a dead body, that the body be buried or cremated;
  - (e) in any other case, that the thing be destroyed or disposed of.
- (3) A justice of the peace may make an order under subsection (4) in relation to a thing if the justice is satisfied that—
- (a) the thing is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related person or related thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) The order may require—
- (a) the owner of the thing, or
  - (b) any person who has or has had custody or control of the thing,
- to provide information or answer questions about the thing (including, in particular, information or questions about where the thing has been or about the identity of any related person or the whereabouts of any related thing).
- (5) “ Related person ” means—
- (a) a person who has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
  - (b) a person whom the thing has or may have infected or contaminated.
- (6) “ Related thing ” means—
- (a) a thing which has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
  - (b) a thing which the thing mentioned in subsection (3)(a) has or may have infected or contaminated.
- (7) The appropriate Minister may by regulations make provision about the evidence that must be available to a justice of the peace before the justice can be satisfied as mentioned in subsection (1) or (3).
- (8) In this section—
- (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and
  - (b) any reference to infecting or contaminating humans, or a person or thing, includes a reference to passing the source of an infection or contamination to humans, or to the person or thing.

#### **45I Power to order health measures in relation to premises**

- (1) A justice of the peace may make an order under subsection (2) in relation to premises if the justice is satisfied that—
- (a) the premises are or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,

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- (c) there is a risk that the premises might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) The order may impose in relation to the premises one or more of the following restrictions or requirements—
  - (a) that the premises be closed;
  - (b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
  - (c) that the premises be disinfected or decontaminated;
  - (d) that, in the case of a building, conveyance or structure, the premises be destroyed.
- (3) A justice of the peace may make an order under subsection (4) in relation to premises if the justice is satisfied that—
  - (a) the premises are or may be infected or contaminated or are or may be a place where infection or contamination was spread between persons or things,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related person or related thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) The order may require the owner or any occupier of the premises to provide information or answer questions about the premises (including, in particular, information about the identity of any related person or the whereabouts of any related thing).
- (5) “ Related person ” means—
  - (a) a person who has or may have infected or contaminated the premises,
  - (b) a person who has or may have infected or contaminated a person who or thing which is or has been on the premises,
  - (c) a person whom the premises have or may have infected or contaminated, or
  - (d) a person who has or may have been infected or contaminated by a person who or thing which is or has been on the premises.
- (6) “ Related thing ” means—
  - (a) a thing which has or may have infected or contaminated the premises,
  - (b) a thing which has or may have infected or contaminated a person who or thing which is or has been on the premises,
  - (c) a thing which the premises have or may have infected or contaminated, or
  - (d) a thing which has or may have been infected or contaminated by a person who or thing which is or has been on the premises.
- (7) The appropriate Minister may by regulations make provision about the evidence that must be available to a justice of the peace before the justice can be satisfied as mentioned in subsection (1) or (3).
- (8) In this section—
  - (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and

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- (b) any reference to infecting or contaminating humans, or a person, thing or premises, includes a reference to passing the source of an infection or contamination to humans, or to the person, thing or premises.

#### **45J Orders in respect of groups**

- (1) The powers in sections 45G, 45H and 45I include power to make an order in relation to a group of persons, things or premises.
- (2) For those purposes, the sections have effect as follows.
- (3) In section 45G—
  - (a) in subsections (1)(a) and (c) and (3)(a), the reference to P is a reference to each person in the group, and
  - (b) in subsections (2) and (4), any reference to P is a reference to any one or more of the persons in the group.
- (4) In section 45H—
  - (a) in subsections (1)(a) and (c) and (3)(a), the reference to the thing is a reference to each thing in the group, and
  - (b) in subsections (2) and (4) any reference to the thing is a reference to any one or more of the things in the group.
- (5) In section 45I—
  - (a) in subsections (1)(a) and (c) and (3)(a), the reference to the premises is a reference to each set of premises in the group, and
  - (b) in subsections (2) and (4), any reference to the premises is a reference to any one or more of the sets of premises in the group.

#### **45K Part 2A orders: supplementary**

- (1) This section makes further provision about orders under sections 45G, 45H and 45I (referred to in this Part as “Part 2A orders”).
- (2) A Part 2A order may include, in addition to the restrictions or requirements mentioned in the provision under which it is made, such other restrictions or requirements as the justice considers necessary for the purpose of reducing or removing the risk in question.
- (3) A restriction or requirement contained in a Part 2A order may be expressed to take effect subject to conditions specified in the order.
- (4) Two or more Part 2A orders may be combined in a single order.
- (5) A Part 2A order may contain such directions as the justice considers appropriate to give effect to it.
- (6) Without prejudice to subsection (5)—
  - (a) a Part 2A order may, if the justice is satisfied as mentioned in subsection (4) of section 61, authorise anything which may be authorised by warrant under subsection (3) of that section, and
  - (b) if the order does so, section 62(1) and (1A) have effect as if—
    - (i) the order were a warrant issued under section 61, and
    - (ii) the person so authorised were a proper officer.

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- (7) A Part 2A order may order the payment of compensation or expenses in connection with the taking of measures pursuant to the order.
- (8) A Part 2A order is authority for those persons to whom it is addressed to do such things as may be necessary to give effect to it.

#### **45L Period for which Part 2A order may be in force**

- (1) A Part 2A order must specify the period for which any restriction or requirement imposed by or under the order is to remain in force.
- (2) That period may be extended by further order of a justice of the peace.
- (3) In relation to restrictions or requirements mentioned in section 45G(2)(c) or (d), neither the period specified under subsection (1) nor the period of any extension under subsection (2) may exceed 28 days or such shorter period as the appropriate Minister may by regulations prescribe.
- (4) The appropriate Minister may by regulations prescribe, in relation to any other restrictions or requirements, the maximum period which may be specified under subsection (1) and the maximum period of any extension under subsection (2).

#### **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,
  - (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.

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- (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.

#### 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))

#### 45N Power to make further provision by regulations

- (1) The appropriate Minister may by regulations make provision about the taking of measures pursuant to Part 2A orders.
- (2) The regulations may in particular make provision about—
- (a) the type of investigation which may be carried out as part of a medical examination;
  - (b) the manner in which measures are to be taken;
  - (c) who is to be responsible for executing and enforcing measures;
  - (d) who is to be liable for the costs of measures;

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- (e) the payment of compensation or expenses in connection with the taking of measures.
- (3) But the regulations may not confer functions on officers of Revenue and Customs to execute or enforce Part 2A orders unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.

#### **450 Enforcement of Part 2A orders**

- (1) A person commits an offence if the person—
  - (a) fails without reasonable excuse to comply with a restriction or requirement imposed by or under a Part 2A order, or
  - (b) wilfully obstructs anyone acting in the execution of a Part 2A order.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to [<sup>F2</sup>a fine].
- (3) If—
  - (a) a person is convicted of an offence under subsection (1), and
  - (b) the court by which the person is convicted is satisfied that the failure or wilful obstruction constituting the offence has caused premises or things to become infected or contaminated or otherwise damaged them in a material way,
 the court may, if it considers it appropriate to do so, order the person to take or pay for such remedial action as may be specified in the order.
- (4) Subsection (5) applies if—
  - (a) a Part 2A order imposes a requirement that a person be detained or kept in isolation or quarantine in a place, and
  - (b) the person leaves that place contrary to the requirement.
- (5) A constable may take the person into custody and return the person to that place.
- (6) But a person may not be taken into custody under subsection (5) after expiry of the period for which the requirement is in force.]

#### **Textual Amendments**

- F2** Words in s. 45O(2) substituted (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. 4 para. 13\(2\)](#) (with reg. 5(1))



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