



# Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

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

PUBLIC HEALTH PROTECTION

*[<sup>F1</sup>Regulations under Part 2A: general*

### 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)

### **45P** General provision about regulations

- (1) A power to make regulations under this Part is exercisable by statutory instrument.
- (2) A power to make regulations under this Part includes power to make different provision for different cases or different areas.

### **45Q** Parliamentary control

- (1) An instrument containing regulations under this Part, except one to which subsection (4) applies, is subject to annulment—
  - (a) in the case of English regulations, in pursuance of a resolution of either House of Parliament;
  - (b) in the case of Welsh regulations, in pursuance of a resolution of the National Assembly for Wales.

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*Changes to legislation:* There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Cross Heading: Regulations under Part 2A: general. (See end of Document for details)

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- (2) Subject to subsection (3), subsection (4) applies to an instrument containing (whether alone or with other provisions)—
- (a) regulations under section 45C,
  - (b) regulations which amend an enactment pursuant to section 45F(3),
  - (c) the first regulations to be made under section 45G(7),
  - (d) the first regulations to be made under section 45L(4), or
  - (e) the first regulations to be made under section 45N.
- (3) Subsection (4) does not apply by virtue of subsection (2)(a) if the instrument contains a declaration that the person making it is of the opinion that the instrument does not contain any provision made by virtue of section 45C(3)(c) which imposes or enables the imposition of—
- (a) a special restriction or requirement, or
  - (b) any other restriction or requirement which has or would have a significant effect on a person's rights.
- (4) Subject to section 45R, an instrument to which this subsection applies may not be made unless—
- (a) in the case of English regulations, a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
  - (b) in the case of Welsh regulations, a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (5) If an instrument, or a draft of an instrument, containing regulations under section 45B or 45C would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.
- (6) In this section—
- “ English regulations ” means regulations made by the Secretary of State;
  - “ Welsh regulations ” means regulations made by the Welsh Ministers.

#### **45R Emergency procedure**

- (1) This section applies to an instrument to which subsection (4) of section 45Q applies by virtue of subsection (2)(a) or (b) of that section.
- (2) The instrument may be made without a draft having been laid and approved as mentioned in subsection (4) of that section if the instrument contains a declaration that the person making it is of the opinion that, by reason of urgency, it is necessary to make the order without a draft being so laid and approved.
- (3) After an instrument is made in accordance with subsection (2), it must be laid—
- (a) in the case of English regulations, before each House of Parliament;
  - (b) in the case of Welsh regulations, before the National Assembly for Wales.
- (4) Regulations contained in an instrument made in accordance with subsection (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved—
- (a) in the case of English regulations, by a resolution of each House of Parliament;
  - (b) in the case of Welsh regulations, by a resolution of the National Assembly for Wales.

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- (5) But if on any day during that period, on proceedings on a motion that (or to the effect that) the instrument be so approved, either House of Parliament or, as the case may be, the National Assembly for Wales comes to a decision rejecting the instrument, the regulations cease to have effect at the end of that day instead.
- (6) In reckoning any such period of 28 days, no account is to be taken—
- (a) in the case of English regulations, of any time during which Parliament is prorogued or dissolved or during which both Houses are adjourned for more than 4 days;
  - (b) in the case of Welsh regulations, of any time during which the National Assembly for Wales is dissolved or is in recess for more than 4 days.
- (7) Subsections (4) and (5) do not—
- (a) affect anything done in reliance on the regulations before they ceased to have effect, or
  - (b) prevent the making of new regulations.
- (8) In this section “English regulations” and “Welsh regulations” have the same meaning as in section 45Q. ]

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