



# Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

PART VI **E+W**

GENERAL

**<sup>F1</sup>57** General provision for compensation. **E+W**

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## Textual Amendments

**F1** Ss. 54-57 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 11 para. 12, [Sch. 15 Pt. 3](#); [S.I. 2010/708](#), art. 6(e)(f) (with Sch. 2); [S.I. 2010/1547](#), art. 2(e)(f) (with Sch. 1)

**58** Form of notices and other documents. **E+W**

- (1) All notices, orders and other documents authorised or required by or under this Act to be given, made or issued by a [<sup>F2</sup>relevant health protection authority], and all notices and applications authorised or required by or under this Act to be given, made or issued by a [<sup>F2</sup>relevant health protection authority], and all notices and applications authorised or required by or under this Act to be given or made to or to any officer of a [<sup>F2</sup>relevant health protection authority], shall be in writing.
- (2) The Secretary of State may by regulations made by statutory instrument prescribe the form of any notice, certificate or other document to be used for the purposes of this Act, and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

*Changes to legislation: There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Part VI. (See end of Document for details)*

### Textual Amendments

- F2** Words in s. 58(1) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 13](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

## 59 Authentication of documents. **E+W**

- (1) Any notice, order or other document which a [<sup>F3</sup>relevant health protection authority] are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority—
- (a) by the proper officer of the authority as respects documents relating to matters within his province, or
  - (b) by any officer of the authority authorised by them in writing to sign documents of the particular or, as the case may be, the particular document.
- (2) Any document purporting to bear the signature of an officer—
- (a) expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or
  - (b) expressed to be duly authorised by the [<sup>F3</sup>relevant health protection authority] to sign such a document or the particular document,
- shall, for the purposes of this Act, and of any [<sup>F4</sup>regulations] and orders made under it, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the [<sup>F3</sup>relevant health protection authority].
- (3) In subsection (2) above “signature” includes a facsimile of a signature by whatever process reproduced.

### Textual Amendments

- F3** Words in s. 59 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 14\(a\)](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))
- F4** Word in s. 59(2) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 14\(b\)](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

## 60 Service of notices and other documents. **E+W**

Any notice, order or other document which is required or authorised by or under this Act to be given to or served on any person may, in any case for which no other provision is [<sup>F5</sup>made by or under this Act], be given or served either—

- (a) by delivering it to that person—
- (b) in the case of a coroner or the proper officer of a local authority, by leaving it or sending it in a prepaid letter addressed to him, at either his residence or his office, and, in the case of any other officer of a local authority, by leaving it or sending it in a prepaid letter addressed to him, at his office, or
- (c) in the case of any other person, by leaving it, or sending it in a prepaid letter addressed to him, at his usual or last known residence, or

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- (d) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office, or
- (e) in the case of a document to be given to or served on a person as being the owner of any premises by virtue of the fact that he receives the rackrent of the premises as agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a prepaid letter addressed to him, at his place of business, or
- (f) in the case of a document to be given to or served on the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to which it relates, and delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

#### Textual Amendments

- F5** Words in s. 60 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), s. 170(3)(4), [Sch. 11 para. 15](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

#### [<sup>F6</sup>60A **Electronic communications** **E+W**]

- (1) The appropriate Minister may by regulations make provision enabling notices, orders and other documents specified in the regulations to be given or served by an electronic communication.
- (2) Such provision must however secure that the notices, orders and other documents specified in the regulations may only be so given or served if—
  - (a) the person to whom they are to be given or on whom they are to be served has consented in writing to the receipt of notices, orders and other documents by an electronic communication, and
  - (b) the communication is sent to the number or address specified by that person when giving consent.
- (3) The power to make regulations under this section is exercisable by statutory instrument.
- (4) An instrument containing any such regulations is subject to annulment—
  - (a) in the case of regulations made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
  - (b) in the case of regulations made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.
- (5) Sections 58 to 60 are to be read subject to any provision made in regulations under this section.
- (6) In this section—
 

“electronic communication” has the same meaning as in the Electronic Communications Act 2000,

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“notices, orders and other documents” means notices, orders and other documents authorised or required by or under this Act to be given or served, and

“the appropriate Minister” means—

- (a) the Secretary of State, in relation to England;
- (b) the Welsh Ministers, in relation to Wales.]

### Textual Amendments

**F6** S. 60A inserted (21.7.2008 for specified purposes, otherwise 6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(1)(b), [Sch. 11 para. 16](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

## 61 Power to enter premises. **E+W**

- (1) Subject to the provisions of this section, any [<sup>F7</sup>proper officer of a relevant health protection authority] shall, on producing, if so required, some duly authenticated document showing his authority have a right to enter any premises at all reasonable hours—
- [<sup>F8</sup>(a) for the purposes of ascertaining whether there is, or has been, any contravention of a relevant provision of this Act, or of an order made by a justice of the peace under Part 2A of this Act, which it is the function of the relevant health protection authority to enforce,]
  - (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the [<sup>F9</sup>relevant health protection authority] to take any action, or execute any work, under such a provision [<sup>F10</sup>or in relation to such an order],
  - (c) for the purpose of taking any action, or executing any work, authorised or required by such a provision [<sup>F11</sup>or in relation to such an order], or by any order made under such a provision, to be taken, or executed, by the [<sup>F12</sup>relevant health protection authority], or
  - (d) generally, for the purpose of the performance by the [<sup>F13</sup>relevant health protection authority] of their functions under such a provision [<sup>F14</sup>or in relation to such an order].
- (2) Admission to any premises <sup>F15</sup>... shall not be demanded as of right unless twenty–four hours’ notice of the intended entry has been given to the occupier.
- [<sup>F16</sup>(2A) Subsection (1) does not authorise entry to any part of premises which is used as a private dwelling (but this does not affect the power of a justice of the peace under subsection (3) to issue a warrant authorising entry to a private dwelling or to any part of premises used as a private dwelling).]
- (3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, and
  - (b) that there is reasonable ground for entry into the premises for any such purpose as is mentioned in subsection (1) above.

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the justice may by warrant under his hand authorise [<sup>F17</sup>the relevant health protection authority by any proper officer] to enter the premises, if need be by force.

- (4) Such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

#### Textual Amendments

- F7** Words in s. 61(1) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(a)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F8** S. 61(1)(a) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(b)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F9** Words in s. 61(1)(b) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(ii)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F10** Words in s. 61(1)(b) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(i)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F11** Words in s. 61(1)(c) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(i)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F12** Words in s. 61(1)(c) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(ii)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F13** Words in s. 61(1)(d) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(ii)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F14** Words in s. 61(1)(d) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(2)(c)(i)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F15** Words in s. 61(2) repealed (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(3)**, **Sch. 15 Pt. 3**; S.I. 2010/708, art. 6(e)(f) (with Sch. 2)
- F16** S. 61(2A) inserted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(4)**; S.I. 2010/708, art. 6(e) (with Sch. 2)
- F17** Words in s. 61(3) substituted (6.4.2010 for E.) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 11 para. 17(5)**; S.I. 2010/708, art. 6(e) (with Sch. 2)

## 62 Supplementary provisions as to entry. **E+W**

- (1) [<sup>F18</sup>A proper officer (“the officer”)] entering any premises by virtue of section 61 above, or of a warrant issued under that section, may take with him such other persons [<sup>F19</sup>and such equipment and materials] as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant he shall leave them as effectively secured against trespassers as he found them.

[<sup>F20</sup>(1A) The officer may for the purpose for which entry is authorised—

- (a) search the premises,
- (b) carry out measurements and tests of the premises or of anything found on them,
- (c) take and retain samples of the premises or of anything found on them,
- (d) inspect and take copies or extracts of any documents or records found on the premises,
- (e) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which

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it is visible and legible or from which it can readily be produced in a visible and legible form, and

- (f) seize and detain or remove anything which the officer reasonably believes to be evidence of any contravention relevant to the purpose for which entry is authorised.]

- (2) Every warrant issued under that section shall continue in force until the purpose for which the entry is necessary has been satisfied.

<sup>F21</sup>(3) .....

- [<sup>F22</sup>(4) Nothing in section 61 or this section limits the provisions of Parts 2A and 4, and of regulations made under Part 2A, with respect to entry into or upon, and inspection of, any premises.]

#### Textual Amendments

- F18** Words in s. 62(1) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(2\)\(a\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F19** Words in s. 62(1) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(2\)\(b\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F20** S. 62(1A) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(3\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F21** S. 62(3) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(4\), Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)
- F22** S. 62(4) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 18\(5\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

#### [<sup>F23</sup>63 Offence of wilful obstruction. **E+W**

- (1) A person commits an offence if the person wilfully obstructs any person acting in the execution of a provision of Part 3 or 4 or this Part, or of any regulations, order or warrant made or issued under such a provision.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction—
- (a) in the case of an offence of wilfully obstructing a person in the execution of a provision of Part 4 or of any regulations made under a provision of that Part, to a fine not exceeding level 1 on the standard scale, and
- (b) in any other case, to [<sup>F24</sup>a fine].]

#### Textual Amendments

- F23** S. 63 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 19](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

*Changes to legislation: There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Part VI. (See end of Document for details)*

**F24** Words in s. 63(2)(b) 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\(3\)](#) (with reg. 5(1))

## [<sup>F25</sup> **63A Offences by bodies corporate** **E+W**]

- (1) If an offence created by or under this Act is committed by a body corporate and is proved—
  - (a) to have been committed with the consent or connivance of an officer, or
  - (b) to be attributable to any neglect on the part of an officer,
 the officer (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) “Officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) applies to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

### Textual Amendments

**F25** Ss. 63A, 63B inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 20](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

## **63B Unincorporated associations** **E+W**

- (1) Proceedings for an offence alleged to have been committed by an unincorporated association are to be brought in the name of the association (and not in that of any of the members).
- (2) Rules of court relating to the service of documents have effect as if the unincorporated association were a body corporate.
- (3) In proceedings for an offence brought against an unincorporated association, Schedule 3 to the Magistrates' Courts Act 1980 applies as it applies to a body corporate.
- (4) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.
- (5) If an offence committed by an unincorporated association is proved—
  - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
  - (b) to be attributable to any neglect on the part of such an officer or member,
 the officer or member (as well as the association) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (6) In this section, “ offence ” means an offence created by or under this Act. ]



*Changes to legislation: There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Part VI. (See end of Document for details)*

**Textual Amendments**

**F25** Ss. 63A, 63B inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 20](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

**64 Restriction on right to prosecute. E+W**

[<sup>F26</sup>(1) Proceedings in respect of an offence created by a provision of, or regulations under, this Act may not be taken by any person other than—

- (a) a relevant health protection authority,
- (b) a body whose function it is to enforce the provision or regulation in question, or
- (c) a person who made (or whose predecessors made) the regulation in question.]

<sup>F27</sup>(2) .....

**Textual Amendments**

**F26** S. 64(1) substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 21\(2\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

**F27** S. 64(2) repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 21\(3\)](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

**[<sup>F28</sup>64A Time limits for prosecutions E+W**

(1) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, a magistrates' court may try an information (or written charge) relating to an offence created by or under this Act if the information is laid (or the charge is issued)—

- (a) before the end of the period of 3 years beginning with the date of the commission of the offence, and
- (b) before the end of the period of 6 months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge.

(2) For the purposes of subsection (1)(b)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.]

**Textual Amendments**

**F28** S. 64A inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 22](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)



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**65 Daily penalties for continuing offences. E+W**

Where by or under this Act provision is made for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court ; and, where the court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before that period expires.

<sup>F29</sup>**66** ..... **E+W**

**Textual Amendments**

**F29** S. 66 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. 1**

**67 Applications to, and appeals from magistrates' courts. E+W**

- (1) Where this Act [<sup>F30</sup> or a provision contained in regulations made under this Act] provides for any matter to be determined by, or for an application in respect of a matter to be made to, a magistrates' court, the procedure shall be by way of complaint for an order.
- (2) Where a person aggrieved by any order, determination or other decision of a magistrates' court under a relevant provision of this Act is not by any other enactment authorised to appeal to the Crown Court, he may appeal to the Crown Court.

<sup>F31</sup>(3) .....

**Textual Amendments**

**F30** Words in s. 67(1) inserted (6.4.2010 for E., 26.7.2010 for W.) by **Health and Social Care Act 2008** (c. 14), s. 170(3)(4), **Sch. 11 para. 23(2)**; S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)

**F31** S. 67(3) repealed (6.4.2010 for E., 26.7.2010 for W.) by **Health and Social Care Act 2008** (c. 14), s. 170(3)(4), **Sch. 11 para. 23(3)**, **Sch. 15 Pt. 3**; S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

**68 Judges and justices not to be disqualified by liability to rates. E+W**

A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a local authority are to be defrayed.

<sup>F32</sup>**69 Protection from personal liability. E+W**

- (1) Nothing done by a relevant health protection authority or by one of its officers, and no contract entered into by such an authority, is to subject the authority or officer to

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any action, liability, claim or demand whatsoever if the thing is done, or the contract is entered into, bona fide for the purposes of executing a relevant provision of this Act.

- (2) Any expense incurred by any such authority or officer acting bona fide as mentioned in subsection (1) is to be borne and repaid out of the fund applicable by the authority to its functions of executing the provision in question.
- (3) Reference in this section to an officer of a relevant health protection authority also includes a member of that authority and any person acting under the direction of that authority.]

**Textual Amendments**

**F32** S. 69 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 24](#); S.I. 2010/708, art. 6(e) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e) (with [Sch. 1](#))

<sup>F33</sup>**70 Local inquiries .** **E+W**

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**Textual Amendments**

**F33** S. 70 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 25](#), [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with [Sch. 2](#)); S.I. 2010/1547, art. 2(e)(f) (with [Sch. 1](#))

[<sup>F34</sup>**71 Default powers.** **E+W**

- (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.

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- (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.]

#### Textual Amendments

**F34** S. 71 substituted (21.7.2008 for specified purposes, otherwise 6.4.2010 for E. and 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170, [Sch. 11 para. 26](#); [S.I. 2010/708](#), art. 6(e) (with [Sch. 2](#)); [S.I. 2010/1547](#), art. 2(e) (with [Sch. 1](#))

## 72 Cumulative effect of Act. **E+W**

All powers and duties conferred or imposed [<sup>F35</sup>by or under this Act] shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by Act, law or custom ; and, subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised, and shall be performed, in the same manner as if this Act had not been passed.

#### Textual Amendments

**F35** Words in s. 72 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 27](#); [S.I. 2010/708](#), art. 6(e) (with [Sch. 2](#)); [S.I. 2010/1547](#), art. 2(e) (with [Sch. 1](#))

## 73 Crown property. **E+W**

- (1) This section applies to any house, building or other premises being property belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for purposes of a government department.
- (2) In relation to any such property, the appropriate authority may agree with—
  - (a) the council of the county, or
  - (b) the local authority of the district,in which the property is situated that any relevant provision of this Act specified in the agreement shall apply to the property ; and, while the agreement is in force, that provision shall apply to that property accordingly, subject to the terms of the agreement.
- (3) Any such agreement may contain such consequential and incidental provisions (including, with the approval of the Treasury, provisions of a financial character) as appear to the appropriate authority to be necessary or equitable.
- (4) In this section, “the appropriate authority” means—

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- (a) in the case of property belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the property ;
  - (b) in the case of property belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy ;
  - (c) in the case of property belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ; and
  - (d) in the case of property belonging to a government department or held in trust for Her Majesty for purposes of a government department, that department ;
- and, if any question arises as to what authority is the appropriate authority in relation to any property, that question shall be referred to the treasury, whose decision shall be final.

[<sup>F36</sup>(5) In this section “premises” does not include any vessel—

- (a) belonging to Her Majesty, or
- (b) under the command or charge of an officer holding Her Majesty's commission.]

#### Textual Amendments

**F36** S. 73(5) inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 11 para. 28](#); [S.I. 2010/708](#), art. 6(e) (with [Sch. 2](#)); [S.I. 2010/1547](#), art. 2(e) (with [Sch. 1](#))

## 74 Interpretation. **E+W**

In this Act, unless the context otherwise requires—

“authorised officer”, in relation to a local authority, means—

- (a) an officer of the authority authorised by them in writing, either generally or specially, to act in matters of a specified kind or in a specified matter, or
- (b) by virtue of his appointment and for the purpose of matters within his province, a proper officer of the authority, appointed for purposes corresponding to any of those of the former medical officers of health, surveyors and sanitary inspectors;

F37  
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F37  
...

[<sup>F38</sup> “district” means—

- (a) in relation to a local authority in Greater London, a London borough, the City of London, the Inner Temple or the Middle Temple,
- (b) in relation to a local authority in England for an area for which there is no district council, that area,
- (c) in relation to a local authority in Wales, a county or county borough,
- (d) in relation to the Council of the Isles of Scilly, those Isles;]

F37  
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F37  
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“functions” includes powers and duties;

F37  
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F37  
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“local authority” has the meaning given by [<sup>F39</sup>section 1(1)] above;

“London port health authority” and “London port health district” have the meanings given by section 7 above;

F37  
...

F37  
...

“officer” includes servant;

“owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent if those premises were let at a rackrent;

“port” has the meaning given by section 2(1) above;

“Port of London” has the meaning given by section 6 above;

[<sup>F40</sup>“premises” includes any place and, in particular, includes—  
(a) any vehicle, train, vessel or aircraft,  
(b) any tent or movable structure, and  
(c) any offshore installation (as defined in section 12(1) of the Mineral Workings (Offshore Installations) Act 1971);]

“proper officer” means, in relation to a purpose and to an authority, an officer appointer for that purpose by that authority;

[<sup>F41</sup>“public authority” has the meaning given in section 6(3) of the Human Rights Act 1998;]

“rackrent” in relation to any property means a rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and deducting from it the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such a rent;

F37  
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[<sup>F41</sup>“relevant health protection authority” means—  
(a) a local authority, port health authority or joint board with functions under a relevant provision of this Act, and  
(b) if regulations under Part 2A confer functions on a public authority of any other description and state that the authority is to be regarded as

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a relevant health protection authority with respect to those functions, that authority;]

“relevant provision of this Act” means a provision of this Act [<sup>F42</sup>(including a provision in regulations made under this Act)] other than section 46;

“riparian authority” has the meaning given by section 2(2) above;

F37  
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F43  
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F37  
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“vessel” has the same meaning as [<sup>F44</sup>“ship” in the Merchant Shipping Act 1995] except that it includes a hovercraft within the meaning of the <sup>M1</sup> Hovercraft Act 1968, and “master” shall be construed accordingly.

#### Textual Amendments

- F37** Definitions of "coastal waters", "common lodging-house", "dustbin", "factory", "hospital", "house", "inland waters", "local Act", "NHS trust" and "NHS contract", "notifiable disease" "rating district", "school" and "street" in s. 74 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(7\), Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)
- F38** Definition of "district" in s. 74 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(2\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F39** S. 74: words in the definition of "local authority" substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(3\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F40** Definition of "premises" in s. 74 substituted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(4\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F41** Definitions of "public authority" and "relevant health protection authority" in s. 74 inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(6\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F42** S. 74: words in the definition of "relevant provision of this Act" inserted (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 11 para. 29\(5\)](#); S.I. 2010/708, art. 6(e) (with Sch. 2); S.I. 2010/1547, art. 2(e) (with Sch. 1)
- F43** Definition of "standard scale" in s. 74 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIV](#)
- F44** S. 74: words in the definition of “vessel” substituted (1.1.1996) by [1995 c. 21, ss. 314\(2\), 316\(2\), Sch. 13 para. 69\(b\)](#) (with s. 312(1))

#### Marginal Citations

- M1** 1968 c. 59.

## 75 Inner Temple and Middle Temple. **E+W**

In relation to the Inner Temple and the Middle Temple, any reference in a provision of this Part of this Act to an officer or authorised officer of a local authority is a reference to an officer authorised by the Sub-Treasurer or the Under Treasurer, as the case may be, to act for the purposes of that provision.

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**F45 76 Isle of Man and Channel Islands. E+W**

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**Textual Amendments**

**F45** S. 76 repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 11 para. 30, [Sch. 15 Pt. 3](#); S.I. 2010/708, art. 6(e)(f) (with Sch. 2); S.I. 2010/1547, art. 2(e)(f) (with Sch. 1)

**77 Transitional provisions and savings. E+W**

The transitional provisions and savings in Schedule 1 to this Act shall have effect.

**78 Amendments and repeals. E+W**

Subject to section 77 above—

- (a) the Acts specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, and
- (b) the Acts specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**79 Short title, commencement and extent. E+W**

(1) This Act may be cited as the Public Health (Control of Disease) Act 1984.

<sup>F46</sup>(2) .....

(3) This Act shall not extend to Scotland or to Northern Ireland.

**Textual Amendments**

**F46** S. 79(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)



**Changes to legislation:**

There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Part VI.