



# Public Health (Control of Disease) Act 1984

## 1984 CHAPTER 22

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

#### PUBLIC HEALTH PROTECTION

##### *Power to make regulations*

#### [<sup>F1</sup>45F Health protection regulations: supplementary

- (1) This section makes further provision about regulations under section 45B or 45C (“health protection regulations”).
- (2) Health protection regulations may—
  - (a) confer functions on local authorities and other persons;
  - (b) create offences;
  - (c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances;
  - (d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations;
  - (e) provide for appeals from and reviews of decisions taken under the regulations;
  - (f) permit or prohibit the levy of charges;
  - (g) permit or require the payment of incentive payments, compensation and expenses;
  - (h) provide for the resolution of disputes.
- (3) Health protection regulations may, for the purposes of giving effect to an international agreement or arrangement, amend any enactment.
- (4) Health protection regulations may not confer functions on officers of Revenue and Customs unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.

*Status: Point in time view as at 12/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Section 45F. (See end of Document for details)*

- (5) Health protection regulations may not create an offence triable on indictment or punishable with—
- (a) imprisonment,
  - <sup>F2</sup>(b) .....
  - <sup>F3</sup>(c) .....
- [ Health protection regulations that create an offence punishable with a fine and a further <sup>F4</sup>(5A) fine for each day on which the default continues after conviction may not provide for the further fine to exceed an amount equal to 2% of the greater of £5,000 or level 4 on the standard scale.]
- (6) Regulations under section 45C must provide for a right of appeal to a magistrates' court against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, thing or premises.
- (7) Regulations under section 45C which enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.
- (8) In relation to a special restriction or requirement mentioned in section 45G(2)(c) or (d)—
- (a) the period specified by virtue of subsection (7) and the intervals specified by virtue of that subsection must be 28 days or less, and
  - (b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.]

#### 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](#))
- F2** S. 45F(5)(b) and the “or” following it omitted (12.3.2015) by virtue of [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. 86** (with reg. 5(2))
- F3** S. 45F(5)(c) omitted (12.3.2015) by virtue of [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 3 para. 15(2)** (with reg. 5(1))
- F4** S. 45F(5A) inserted (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. 3 para. 15(3)** (with reg. 5(1))

**Status:**

Point in time view as at 12/03/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health (Control of Disease) Act 1984, Section 45F.