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STATUTORY INSTRUMENTS

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**1988 No. 1546**

**The Public Health (Infectious Diseases) Regulations 1988**

**Title and commencement**

1. These Regulations may be cited as the Public Health (Infectious Diseases) Regulations 1988 and shall come into force on 1st October 1988.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Public Health (Control of Disease) Act 1984;

“appropriate District Health Authority” means the District Health Authority within which a district of a local authority<sup>(1)</sup> or a port health district is wholly or partly situated;

“appropriate medical officer” means—

- (a) in a case where the District Health Authority has appointed a Director of Public Health, the Director of Public Health, and
- (b) in any other case, the registered medical practitioner designated by the District Health Authority for the purposes of these Regulations;

“District Health Authority” means a District Health Authority established under section 8(1) of the National Health Service Act 1977<sup>(2)</sup>;

“certificate” means a certificate required by section 11 of the Act to be sent by a registered medical practitioner to a proper officer<sup>(3)</sup>;

“Chief Medical Officer for England” means the Chief Medical Officer to the Department of Health;

“Chief Medical Officer for Wales” means the Chief Medical Officer to the Welsh Office;

“International Health Regulations” means the International Health Regulations (1969) as adopted by the World Health Assembly on 25th July 1969 and as amended by the 26th World Health Assembly in 1973 and by the 34th World Health Assembly in 1981<sup>(4)</sup>;

“ophthalmia neonatorum” means a purulent discharge from the eyes of an infant, commencing within 21 days from the date of birth;

“port health authority” means a port health authority constituted by an order made, or having effect as if made, by the Secretary of State under section 2 of the Act, and includes the port health authority for the Port of London as constituted under section 7 of the Act;

“port health district” means the district of a port health authority;

“viral haemorrhagic fever” means Argentine haemorrhagic fever (Junin), Bolivian haemorrhagic fever (Machupo), Chikungunya haemorrhagic fever, Congo/Crimean

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(1) See the definition of “local authority” in section 1(2) of the Act and the definition of “district” in section 74 of the Act.

(2) 1977 c. 49; section 8(1) was substituted by the Health Services Act 1980 (c. 53), section 1(7) and Schedule 1, paragraph 28(a).

(3) See the definition of “proper officer” in section 74 of the Act.

(4) The International Health Regulations (1969) are published by the World Health Organisation and are available from Her Majesty’s Stationery Office.

haemorrhagic fever, Dengue fever, Ebola virus disease, haemorrhagic fever with renal syndrome (Hantaan), Kyasanur forest disease, Lassa fever, Marburg disease, Omsk haemorrhagic fever and Rift Valley disease.

- (2) In these Regulations, unless the context otherwise requires—
- (a) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number; and
  - (b) any reference to the district or port health district of a proper officer means the district of the local authority or port health authority, as the case may be, of which he is the proper officer.

### **Public health enactments applied to certain diseases**

3. There shall apply to the diseases listed in column (1) of Schedule 1 the enactments in the Act listed in column (2) of that Schedule with the modifications specified in column (2).

### **Modification of section 35 of the Act as it is applied to certain diseases**

4. Where in Schedule 1 reference is made to section 35 of the Act as modified by this regulation, that section shall apply to the disease specified with the modification that in subsection (1)(a) the words

“or

- (ii) though not suffering from such a disease, is carrying an organism that is capable of causing it,” shall be omitted.

### **Modification of section 38 of the Act as it is applied to acquired immune deficiency syndrome**

5. In its application to acquired immune deficiency syndrome section 38(1) of the Act shall apply so that a justice of the peace (acting if he deems it necessary *ex parte*) may on the application of any local authority make an order for the detention in hospital of an inmate of that hospital suffering from acquired immune deficiency syndrome, in addition to the circumstances specified in that section, if the justice is satisfied that on his leaving the hospital proper precautions to prevent the spread of that disease would not be taken by him—

- (a) in his lodging or accommodation, or
- (b) in other places to which he may be expected to go if not detained in the hospital.

### **Cases of infectious disease to be specially reported**

6.—(1) In this regulation “a disease subject to the International Health Regulations” means cholera, including cholera due to the eltor vibrio, plague, smallpox, including variola minor (alastrim), and yellow fever.

(2) Without prejudice to paragraph (3), a proper officer shall, if his district or port health district is in England immediately inform the Chief Medical Officer for England, or, if his district or port health district is in Wales immediately inform the Chief Medical Officer for Wales of—

- (a) any case or suspected case of a disease subject to the International Health Regulations and
- (b) any serious outbreak of any disease (including food poisoning)

which to his knowledge has occurred in his district or port health district, and he shall similarly inform the appropriate medical officer of the appropriate District Health Authority.

- (3) A proper officer who receives a certificate in respect of any case of—
- (a) a disease subject to the International Health Regulations,
  - (b) leprosy,
  - (c) malaria or rabies contracted in Great Britain, or
  - (d) a viral haemorrhagic fever

shall immediately send a copy to the Chief Medical Officer for England if the address of the patient in the certificate is in England or to the Chief Medical Officer for Wales if such address is in Wales.

#### **Form of certificate**

7. The form set out in Schedule 2, or a form substantially to the like effect, shall be the form of certificate.

#### **Weekly and quarterly returns**

8.—(1) Subject to the provisions of paragraph (3), a proper officer shall, in respect of his district or port health district, send to the Registrar General by post every week in time to ensure its delivery on Monday, or the morning of Tuesday at the latest, a return, in such form as the Secretary of State may from time to time require, of the number of cases of each disease (including food poisoning and suspected food poisoning but excluding leprosy) notified to him during the week ended on the preceding Friday night; and the proper officer shall send a copy of the return to the appropriate medical officer of the appropriate District Health Authority.

(2) Subject to the provisions of paragraph (3), a proper officer shall send to the Registrar General by post every three months, not later than 21st January, 21st April, 21st July and 21st October in every year, a return, in such form as the Secretary of State may from time to time require, of the cases referred to in the preceding paragraph which have been notified to him during the preceding three months, showing separately the final number of cases after any correction of diagnosis subsequently made by the notifying registered medical practitioner or by the registered medical practitioner in charge of the patient; and the proper officer shall send a copy of the return to the appropriate medical officer of the appropriate District Health Authority.

(3) Where, pursuant to section 11(3) of the Act a copy of a certificate is sent by the proper officer of one district to the proper officer of another district, the case to which that certificate relates shall not be included in any return of the first-mentioned proper officer and shall be included in the returns of the last-mentioned proper officer.

#### **Provisions for preventing the spread of certain diseases**

9.—(1) The provisions of Schedule 3 shall have effect in relation to typhus and relapsing fever.

(2) The provisions of Schedule 4 shall have effect in relation to food poisoning and to typhoid, paratyphoid and other salmonella infections, amoebic and bacillary dysentery, and staphylococcal infections likely to cause food poisoning.

#### **Immunisation and vaccination**

10. Where a case of any notifiable disease<sup>(5)</sup> or of any disease mentioned in Schedule 1 (other than tuberculosis) occurs in a district or port health district, the proper officer of that district or port health district and of any adjacent district or port health district may, if he considers it in the public interest, arrange for the vaccination or immunisation, without charge, of any person in his district

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(5) See the definition of “notifiable disease” in section 10 of the Act.

or port health district who has come or may have come or may come in contact with the infection and is willing to be vaccinated or immunised.

### **Measures against infected rats**

**11.** Where a local authority or port health authority have reason to believe that rats in their district or port health district are threatened by or infected with plague, or are dying in unusual numbers, they shall if the district or port health district is in England report the matter to the Chief Medical Officer for England or if such district is in Wales to the Chief Medical Officer for Wales and take measures for destroying all rats in the district or port health district and for preventing rats from gaining entry to buildings.

### **Confidentiality of documents**

**12.** Any certificate, or copy, and any accompanying or related document, shall be sent in such a manner that its contents cannot be read during transmission; and the information contained therein shall not be divulged to any person except—

- (a) so far as is necessary for compliance with the requirements of any enactment (including these Regulations), or
- (b) for the purposes of such action as any proper officer considers reasonably necessary for preventing the spread of disease.

### **Enforcement and publication**

**13.—**(1) These Regulations shall be enforced and executed—

- (a) in the district of a local authority, by the local authority thereof; and
- (b) in a port health district, by the port health authority thereof, so far as these Regulations are in terms applicable thereto.

(2) Every local authority shall send to any registered medical practitioner who after due enquiry is ascertained to be practising in their district—

- (a) a copy of these Regulations and
- (b) a copy of sections 10 and 11 of the Act.

### **Revocations**

**14.** The regulations specified in column (1) of Schedule 5 are revoked to the extent specified in column (3) of that Schedule.

Signed by authority of the Secretary of State for Health.

6th September 1988

*Edwina Currie*  
Parliamentary Under-Secretary of State,  
Department of Health

6th September 1988

*Peter Walker*  
Secretary of State for Wales