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WELSH STATUTORY INSTRUMENTS

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**2010 No. 1546 (W.144)**

**PUBLIC HEALTH, WALES**

**The Health Protection (Notification) (Wales) Regulations 2010**

<i>Made</i> - - - -	<i>8 June 2010</i>
<i>Laid before the National Assembly for Wales</i> - -	<i>10 June 2010</i>
<i>Coming into force</i> <i>for the purpose of all regulations except regulation 4</i>	<i>26 July 2010</i>
<i>for the purpose of regulation 4</i>	<i>1 October 2010</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 13, 45C(1), (2) and (3)(a), 45F(2)(a) and (b), 45P(2) and 60A of the Public Health (Control of Disease) Act 1984 <sup>M1</sup>.

In accordance with section 45Q(3) of the Public Health (Control of Disease) Act 1984, the Welsh Ministers declare that they are of the opinion that these Regulations do not contain any provision made by virtue of section 45C(3)(c) of that Act which imposes or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person's rights.

**Marginal Citations**

**M1** 1984 c. 22. Functions of the Secretary of State under section 13, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the [Government of Wales Act 2006](#) (2006 c. 32). See section 45T(6) of that Act for the definition of “the appropriate Minister”. Sections 45C, 45F, 45P and 45T were inserted into that Act by section 129 of the [Health and Social Care Act 2008](#) (c. 14) (“the 2008 Act”) and section 60A was inserted into the Act by section 130 and Schedule 11, paragraph 16 of the 2008 Act.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Health Protection (Notification) (Wales) Regulations 2010 and they come into force—

- (a) for the purposes of all regulations except regulation 4 on 26 July 2010; and

- (b) for the purposes of regulation 4 on 1 October 2010.
- (2) These Regulations apply in relation to Wales.

### **Duty to notify suspected disease, infection or contamination in patients**

2.—(1) A registered medical practitioner (R) must notify the proper officer<sup>M2</sup> of the relevant local authority where R has reasonable grounds for suspecting that a patient (P) whom R is attending—

- (a) has a notifiable disease;
- (b) has an infection<sup>M3</sup> which, in the view of R, presents or could present significant harm to human health; or
- (c) is contaminated<sup>M4</sup> in a manner which, in the view of R, presents or could present significant harm to human health.

(2) The notification must include the following information insofar as it is known to R—

- (a) P's name, date of birth and sex;
- (b) P's home address including postcode;
- (c) P's current residence (if not home address);
- (d) P's telephone number;
- (e) P's NHS number;
- (f) P's occupation;
- (g) the name, address and postcode of P's place of work or education (if R considers it relevant);
- (h) P's relevant overseas travel history;
- (i) P's ethnicity;
- (j) contact details for a parent of P (where P is a child);
- (k) the disease or infection which P has or is suspected of having or the nature of P's contamination or suspected contamination;
- (l) the date of onset of P's symptoms;
- (m) the date of R's diagnosis; and
- (n) R's name, address and telephone number.

(3) The notification must be provided in writing within 3 days beginning with the day on which R forms a suspicion under paragraph (1).

(4) Without prejudice to paragraph (3), if R considers that the case is urgent, notification must be provided orally as soon as reasonably practicable.

(5) In determining whether the case is urgent, R must have regard to—

- (a) the nature of the suspected disease, infection or contamination;
- (b) the ease of spread of that disease, infection or contamination;
- (c) the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
- (d) P's circumstances (including age, sex and occupation).

(6) This regulation does not apply where R reasonably believes that the proper officer of the relevant local authority has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this regulation.

(7) In this regulation—

“child” (“*plentyn*”) means a person under the age of 18 years;  
“notifiable disease” (“*clefyd hysbysadwy*”) means a disease or syndrome listed in Schedule 1;  
“parent” (“*rhiant*”) has the meaning given to it by section 576 of the Education Act 1996<sup>M5</sup>; and  
“relevant local authority” (“*awdurdod lleol perthnasol*”) means the local authority within whose area R attended P on the occasion of forming a suspicion under paragraph (1).

#### **Marginal Citations**

- M2** See section 74 of the [Public Health \(Control of Disease\) Act 1984 \(c. 22\)](#) (“the 1984 Act”) for the definition of “proper officer”.
- M3** See section 45A of the 1984 Act for the interpretation of “infection”.
- M4** See section 45A of the 1984 Act for the interpretation of “contamination” and related expressions.
- M5** [1996 c. 56](#).

### **Duty to notify suspected disease, infection or contamination in dead persons**

**3.—(1)** A registered medical practitioner (R) must notify the proper officer of the relevant local authority where R has reasonable grounds for suspecting that a person (P) whom R is attending has died whilst—

- (a) infected with a notifiable disease;
  - (b) infected with a disease which, in the view of R, presents or could present, or presented or could have presented (whilst P was alive), significant harm to human health; or
  - (c) contaminated in a manner which, in the view of R, presents or could present, or presented or could have presented (when P was alive), significant harm to human health.
- (2) The notification must include the following information insofar as it is known to R—
- (a) P's name, date of birth and sex;
  - (b) P's date of death;
  - (c) P's home address including postcode;
  - (d) P's place of residence at time of death (if different from home address);
  - (e) P's NHS number;
  - (f) P's occupation at time of death (if R considers it relevant);
  - (g) the name, address and postcode of P's place of work or education at time of death (if R considers it relevant);
  - (h) P's relevant overseas travel history;
  - (i) P's ethnicity;
  - (j) the disease or infection which P had or is suspected of having had or the nature of P's contamination or suspected contamination;
  - (k) the date of onset of P's symptoms;
  - (l) the date of R's diagnosis; and
  - (m) R's name, address and telephone number.

(3) The notification must be provided in writing within 3 days beginning with the day on which R forms a suspicion under paragraph (1).

(4) Without prejudice to paragraph (3), if R considers that the case is urgent, notification must be provided orally as soon as reasonably practicable.

**Status:** Point in time view as at 26/07/2010. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Notification) (Wales) Regulations 2010. (See end of Document for details)

- (5) In determining whether the case is urgent, R must have regard to—
- (a) the nature of the suspected disease, infection or contamination;
  - (b) the ease of spread of that disease, infection or contamination;
  - (c) the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
  - (d) P's circumstances (including age, sex and occupation).

(6) This regulation does not apply where R reasonably believes that the proper officer of the relevant local authority has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this regulation or regulation 2(1).

(7) In this regulation—

“notifiable disease” (“*clefyd hysbysadwy*”) has the same meaning it has in regulation 2; and

“relevant local authority” (“*awdurdod lleol perthnasol*”) means the local authority within whose area R attended P on the occasion of forming a suspicion under paragraph (1).

VALID FROM 01/10/2010

#### **Duty to notify causative agents found in human samples**

**4.—**(1) The operator of a diagnostic laboratory must notify the proper officer of the relevant local authority in accordance with this regulation where the diagnostic laboratory identifies a causative agent in a human sample.

(2) The notification must include the following information insofar as it is known to the operator of the diagnostic laboratory—

- (a) name and address of the diagnostic laboratory;
- (b) details of the causative agent identified;
- (c) date of the sample;
- (d) nature of the sample;
- (e) name of person (P) from whom the sample was taken;
- (f) P's date of birth and sex;
- (g) P's current home address including postcode;
- (h) P's current residence (if not home address);
- (i) P's ethnicity;
- (j) P's NHS number; and
- (k) the name, address and organisation of the person who solicited the test which identified the causative agent.

(3) The notification must be provided in writing within 7 days beginning with the day on which the causative agent is identified.

(4) Without prejudice to paragraph (3), if the operator of the diagnostic laboratory considers that the case is urgent, the notification must be provided orally as soon as reasonably practicable.

(5) In determining whether the case is urgent, the operator of the diagnostic laboratory must have regard to—

- (a) the nature of the causative agent;
- (b) the nature of the disease which the causative agent causes;

- (c) the ease of spread of the causative agent;
- (d) the ways in which the spread of the causative agent can be prevented or controlled; and
- (e) where known, P's circumstances (including age, sex and occupation).

(6) This regulation does not apply where the operator of the diagnostic laboratory reasonably believes that the proper officer of the relevant local authority has already been notified in accordance with this regulation by the operator of another diagnostic laboratory in relation to the same causative agent being found in a sample from the same person.

(7) For the purposes of paragraph (1), a diagnostic laboratory identifies a causative agent where—

- (a) the diagnostic laboratory identifies the causative agent; or
- (b) the causative agent is identified by another laboratory under an arrangement made with that diagnostic laboratory.

(8) Where paragraph (7)(b) applies, the day on which the causative agent is identified for the purposes of paragraph (3), is the day on which the diagnostic laboratory became aware of the identification by the other laboratory.

(9) It is an offence for the operator of a diagnostic laboratory to fail without reasonable excuse to comply with this regulation.

(10) Any person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(11) In this regulation—

“causative agent” (*“cyfrwng achosol”*) means—

- (a) a causative agent listed in Schedule 2, or
- (b) evidence of an infection caused by such an agent;

“diagnostic laboratory” (*“labordy diagnostig”*) means an institution (or facility within an institution) which is equipped with apparatus and reagents for the performance of diagnostic tests for human infections;

“director of a diagnostic laboratory” (*“cyfarwyddwr labordy diagnostig”*) means—

- (a) the clinical microbiologist, consultant pathologist or other registered medical practitioner or other person in charge of a diagnostic laboratory; or
- (b) any other person working in the diagnostic laboratory to whom the function of making a notification under this regulation has been delegated by the person mentioned in sub-paragraph (a);

“operator of a diagnostic laboratory” (*“gweithredwr labordy diagnostig”*) means the corporate body that operates the diagnostic laboratory or, if there is no such body, the director of the diagnostic laboratory; and

“relevant local authority” (*“awdurdod lleol perthnasol”*) means the local authority within whose area the organisation of the person who solicited the test which identified the causative agent is situated.

### **Duty to provide information to the proper officer**

5.—(1) This regulation applies where a notification has been made by the operator of a diagnostic laboratory to the proper officer under regulation 4.

(2) The proper officer may request that the person (R) who solicited the laboratory test which identified the causative agent to which the notification relates, provide to him or her the information listed at regulation 4(2) insofar as that information was not included in the notification.

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*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Notification) (Wales) Regulations 2010. (See end of Document for details)*

- (3) R must provide the information requested under paragraph (2) insofar as it is known to R.
- (4) The information must be provided in writing within 3 days beginning with the day on which the request is made.
- (5) Without prejudice to paragraph (4), if the proper officer considers the case to be urgent and informs R of this fact when making the request, the information must be provided orally as soon as reasonably practicable.
- (6) In determining whether the case is urgent, the proper officer must have regard to—
- the nature of the causative agent to which the notification relates;
  - the nature of the disease which the causative agent causes;
  - the ease of spread of the causative agent;
  - the ways in which the spread of the causative agent can be prevented or controlled; and
  - where known, the circumstances of the person from whom the sample was taken (including age, sex and occupation).
- (7) In this regulation, “causative agent” (“*cyfrwng achosol*”) has the same meaning it has in regulation 4(11).

#### **Duty on the proper officer to disclose notifications to others**

**6.—(1)** This regulation applies where the proper officer has received a notification under regulation 2, 3 or 4.

- (2) The proper officer must disclose the fact of the notification and its contents to—
- the Public Health Wales National Health Service Trust <sup>M6</sup>;
  - the proper officer of the local authority in whose area P usually resides (if different); and
  - the proper officer of the port health authority or local authority in whose district or area a ship, hovercraft, aircraft or international train is or was situated from which P has disembarked (if known to the disclosing proper officer and if that officer considers disclosure appropriate).
- (3) The disclosure must be made in writing within 3 days beginning with the day that the proper officer receives the notification.
- (4) Without prejudice to paragraph (3), if the disclosing proper officer considers that the case is urgent, disclosure must be made orally as soon as reasonably practicable.
- (5) In determining whether a case is urgent, the disclosing proper officer must have regard to—
- the nature of the disease, infection or contamination or the suspected disease, infection or contamination notified;
  - the ease of spread of the disease, infection or contamination;
  - the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
  - where known, P's circumstances (including age, sex and occupation).

#### **Marginal Citations**

**M6** Public Health Wales National Health Service Trust was established by [S.I. 2009/2058](#) (W.177).

## Electronic communications

- 7.—(1) This regulation applies to—
- (a) notifications provided under regulations 2(1), 3(1) and 4(1);
  - (b) information provided under regulation 5(3);
  - (c) disclosures made under regulation 6(2);
  - (d) lists provided under regulation 3 (requirement to provide details of children attending school) of the Health Protection (Local Authority Powers) (Wales) Regulations 2010 <sup>M7</sup>; and
  - (e) reports provided under regulations 10(1) (duty to report Part 2A applications) and 11(1) (duty to report variations or revocations of Part 2A orders) of the Health Protection (Part 2A Orders) (Wales) Regulations 2010 <sup>M8</sup>.
- (2) Notifications, information, disclosures, lists and reports, which are required to be in writing, may be communicated electronically if—
- (a) the recipient has consented in writing to receiving the notification, information, disclosure, list or report (as the case may be) by an electronic communication; and
  - (b) the communication is sent to the number or address specified by the recipient when giving that consent.

### Marginal Citations

**M7** [S.I.2010/1545](#) (W.143).

**M8** [S.I. 2010/1544](#) (W.142).

## Revocations

8. The Regulations listed in Schedule 3 are revoked.

8 June 2010

*Edwina Hart*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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## SCHEDULE 1

Regulations 2(7)

### Notifiable Diseases And Syndromes

Anthrax  
Botulism  
Brucellosis  
Cholera  
Diphtheria  
Encephalitis (acute)  
Enteric fever (typhoid or paratyphoid fever)  
Food poisoning  
Haemolytic uraemic syndrome (HUS)  
Infectious bloody diarrhoea  
Infectious hepatitis (acute)  
Invasive group A streptococcal disease and scarlet fever  
Legionnaires' Disease  
Leprosy  
Malaria  
Measles  
Meningitis (acute)  
Meningococcal septicaemia  
Mumps  
Plague  
Poliomyelitis (acute)  
Rabies  
Rubella  
SARS  
Smallpox  
Tetanus  
Tuberculosis  
Typhus  
Viral haemorrhagic fever (VHF)  
Whooping cough  
Yellow fever



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## SCHEDULE 2

Regulations 4(11) and 5(7)

### Causative Agents

*Bacillus anthracis*  
*Bacillus cereus* (only if associated with food poisoning)  
*Bordetella pertussis*  
*Borrelia spp*  
*Brucella spp*  
*Burkholderia mallei*  
*Burkholderia pseudomallei*  
*Campylobacter spp*  
Chikungunya virus  
*Chlamydophila psittaci*  
*Clostridium botulinum*  
*Clostridium perfringens* (only if associated with food poisoning)  
*Clostridium tetani*  
*Corynebacterium diphtheriae*  
*Corynebacterium ulcerans*  
*Coxiella burnetii*  
Crimean-Congo haemorrhagic fever virus  
*Cryptosporidium spp*  
Dengue virus  
Ebola virus  
*Entamoeba histolytica*  
*Francisella tularensis*  
*Giardia lamblia*  
Guanarito virus  
*Haemophilus influenzae* (invasive)  
Hanta virus  
Hepatitis A, B, C, delta, and E viruses  
Influenza virus  
Junin virus  
Kyasanur Forest disease virus  
Lassa virus  
*Legionella spp*  
*Leptospira interrogans*  
*Listeria monocytogenes*  
Machupo virus  
Marburg virus

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Measles virus  
Mumps virus  
*Mycobacterium tuberculosis complex*  
*Neisseria meningitidis*  
Omsk haemorrhagic fever virus  
*Plasmodium falciparum, vivax, ovale, malariae, knowlesi*  
Polio virus (wild or vaccine types)  
Rabies virus (classical rabies) and rabies-related lyssaviruses  
*Rickettsia spp*  
Rift Valley fever virus  
Rubella virus  
Sabia virus  
*Salmonella spp*  
SARS coronavirus  
*Shigella spp*  
*Streptococcus pneumoniae (invasive)*  
*Streptococcus pyogenes (invasive)*  
Varicella zoster virus  
Variola virus  
Verocytotoxic Escherichia coli (including *E.coli* O157)  
*Vibrio cholerae*  
West Nile Virus  
Yellow fever virus  
*Yersinia pestis*

### SCHEDULE 3

Regulation 8

#### Revocations

1. The Public Health (Prevention of Tuberculosis) Regulations 1925 <sup>M9</sup>.

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**Marginal Citations**

**M9** [S.I. 1925/757](#).

2. The Public Health (Infectious Diseases) Regulations 1988 <sup>M10</sup>.

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**Marginal Citations**

**M10** [S.I. 1988/1546](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply in Wales. They place obligations on various persons to disclose information to specified third parties for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.

Regulation 2 obliges registered medical practitioners to notify the proper officer of the relevant local authority if a patient they are attending is believed to have a disease listed in Schedule 1 or is otherwise infected or contaminated in a way that may cause significant harm to others. Regulation 3 extends this obligation to cover notification of suspected disease, infection or contamination in a dead body.

Regulation 4 obliges the operators of diagnostic laboratories to notify the proper officer of the relevant local authority if they identify a causative agent listed in Schedule 2, or evidence of such an agent, in a human sample. Regulation 5 enables the proper officer to approach the person who solicited the laboratory test for certain information not provided by the operator of the diagnostic laboratory and obliges that person to provide the information where known.

Regulation 6 obliges the proper officer to disclose notifications under regulations 2, 3 or 4 to other specified bodies with a health protection role.

Regulation 7 enables specified documents to be sent electronically where certain conditions are met.

Regulation 8 revokes 2 sets of regulations.

A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

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