

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5307 GIBRALTAR Thursday 21st May 2026

HEALTH PROTECTION (NOTIFICATION, PREVENTION AND CONTROL) BILL 2026

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No. 5307 GIBRALTAR Thursday 21st May 2026

B. 22/26

BILL

FOR

AN ACT to repeal Part IV of the Public Health Act and make new provision for the prevention, control and response to infectious diseases, including requirements as to notifications, isolation and disinfection; to provide for the mitigation of any risks through the control of persons and goods at Gibraltar's entry points; to provide for the application of the Act to British Gibraltar Territorial Waters; to provide for measures related to international travel; to make provision where contamination has occurred or is likely; and for related matters.

ENACTED by the Legislature of Gibraltar.

PART 1

GENERAL PROVISIONS

Title.

1. This Act may be cited as the Health Protection (Notification, Prevention and Control) Act 2026.

Commencement.

2. This Act comes into operation on such day as the Minister appoints by Notice in the Gazette and different days may be appointed for different provisions and for different purposes.

Interpretation.

3.(1) In this Act-

“child” means a person under the age of 18 years;

“contamination” includes radiation;

“Director of Public Health” and “DPH” means the person appointed as the Public Health Director under the Medical (Gibraltar Health Authority) Act, 1987;

“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of an electronic communications network; or

(b) by other means but while in an electronic form;

“infectious disease” means any infections or illnesses caused by microbiological agents comprising bacteria (or bacterial toxins), viruses, fungi, parasites, or prions which are communicable from person to person either directly or indirectly;

“Minister” means the Minister with responsibility for Public Health;

“notifiable disease” has the meaning given in section 4;

“P’s decision-maker” means P’s donee of a lasting power of attorney under the Lasting Powers of Attorney and Capacity Act 2018 or a deputy appointed by the Court of Protection in relation to P, where decisions in connection with Part 3 applications or orders are within the scope of that person’s authority;

“parent” includes-

(a) a person who is not a parent of the child but who has parental responsibility for that child; or

(b) who has care of that child;

“Part 3 application” means an application made to a justice of the peace for an order under Part 3 of the Act;

“a person with parental responsibility” means a person with parental responsibility within the meaning of the Children Act 2009;

“premises” includes any place and, in particular, includes –

(a) any vehicle, vessel or aircraft; and

(b) any tent or movable structure;

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

“relevant authority” means –

(a) the Director of Public Health;

(b) the Environmental Agency Limited;

(c) any other department or statutory authority which may be designated as a relevant authority under this Act by the Minister by Notice in the Gazette.

(2) Any reference to infection or contamination is a reference to infection or contamination which presents or could present significant harm to human health.

(3) Any reference to the spread of contamination includes a reference to the spread of any source of contamination.

(4) Any reference to disinfection or decontamination includes a reference to the removal of any vector, agent or source of the infection or contamination.

PART 2

DUTY TO NOTIFY

Notifiable diseases.

4.(1) A notifiable disease is a disease that is listed in Schedule 1.

(2) The Minister may by Order amend Schedule 1 to add, amend or remove a notifiable disease.

(3) The DPH must ensure that a list of notifiable diseases is made publicly available either electronically or by such other means that the DPH considers appropriate.

Duty to notify suspected disease, infection or contamination in patients.

5.(1) A registered medical practitioner (R) must notify the DPH where R has reasonable grounds for suspecting that a patient (P) whom R is attending-

(a) has a notifiable disease;

(b) has an infection which, in the view of R, presents or could present significant harm to human health; or

(c) is contaminated 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;

(c) P's current residence (if not home address);

- (d) P's telephone number;
- (e) P's e-mail address (where available);
- (f) P's occupation (if R considers it relevant);
- (g) the name and address of P's place of work or education (if R considers it relevant);
- (h) P's relevant overseas travel history;
- (i) contact details for a parent of P (where P is a child);
- (j) the disease or infection which P has or is suspected of having 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 subsection (1).

(4) Without prejudice to subsection (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 section does not apply where R reasonably believes that the DPH has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this section.

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

6.(1) A registered medical practitioner (R) must notify the DPH 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 (whilst 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;
- (d) P's place of residence at the time of death (if different from P's home address);
- (e) P's email address (where available);
- (f) P's occupation at the time of death (if R considers it relevant);
- (g) the name and address of P's place of work or education at the time of death (if R considers it relevant);
- (h) P's relevant overseas travel history;
- (i) the disease or infection which P had or is suspected of having had or the nature of P's contamination or suspected contamination;
- (j) the date of onset of P's symptoms;
- (k) the date of R's diagnosis; and
- (l) 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 subsection (1).

(4) Without prejudice to subsection (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 section does not apply where R reasonably believes that the DPH has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this section or section 5.

(7) For the purposes of subsection (3) where the DPH provides the means for electronic notification the requirement for written notification is satisfied where notification is made via those means.

Duty on the operators of diagnostic laboratories to notify the Director of Public Health of causative agents found in human samples.

7.(1) The operator of a diagnostic laboratory must notify the DPH 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) the date and time the sample was received by the diagnostic laboratory;
- (b) where a causative agent is identified, the details of that agent;
- (c) the date of the sample;
- (d) the nature of the sample;
- (e) the name of person (P) from whom sample was taken;
- (f) P's date of birth and sex;
- (g) P's current home address;
- (h) P's current residence (if not P's home address);
- (i) the name, address and organisation of the person who solicited the test.

(3) A notification under subsection (1) must be provided in writing within seven days beginning with the day on which the causative agent is identified.

(4) Without prejudice to subsection (3), if the operator of the diagnostic laboratory considers that a particular 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) For the purposes of subsection (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.

(7) Where subsection (6)(b) applies the day on which the causative agent is identified for the purposes of subsection (3), is the day on which the diagnostic laboratory became aware of identification by the other laboratory.

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

(9) Any person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) In this section –

“causative agent” means –

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

“diagnostic laboratory” 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” 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 section has been delegated by the person mentioned in paragraph (a);

“operator of a diagnostic laboratory” means the corporate body that operates the diagnostic laboratory or, if there is no such body, the director of the diagnostic laboratory.

(11) The Minister may by Order amend Schedule 2 to add, amend or remove a causative agent.

PART 3

CONTROL OF DISEASE AND PUBLIC HEALTH PROTECTION

Regulations for control of certain diseases.

8.(1) Subject to the provisions of this section, the Minister may make regulations –

- (a) with a view to the treatment of persons affected with any epidemic, endemic, pandemic or infectious disease and for preventing the spread of such diseases;
- (b) for preventing danger to public health from vessels or aircraft; and
- (c) for preventing the spread of infection by means of any vessel or aircraft leaving any place, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country.

(2) Without prejudice to the generality of subsection (1), the Minister may by any such regulations apply, with or without modifications, to any disease to which the regulations relate any enactment relating to the notification of disease or to notifiable diseases.

(3) Regulations made under this section may provide for –

- (a) the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease;
- (b) the questions to be answered by masters, pilots, and other persons on board any vessel or aircraft as to cases of such disease on board during the voyage or on arrival;

- (c) requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection;
- (d) the detention of vessels or aircraft and of persons on board them;
- (e) the duties to be performed in cases of such disease by masters, pilots and other persons on board vessels or aircraft,

and may authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

(4) Regulations made under this section shall specify the authorities by whom they are to be enforced and executed.

(5) Authorised officers of any such authority as is specified by the regulations in accordance with subsection (4) shall have power to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, regulations under this section.

Contravention of regulations under section 8.

9. Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulations made under section 8 shall, in a case where no provision is made in the regulations for the person's punishment, be liable on summary conviction –

- (a) to a fine not exceeding level 5 on the standard scale; and
- (b) in the case of a continuing offence, to a further fine not exceeding £50 for every day on which the offence continues after conviction.

Health protection regulations: international travel etc.

10.(1) The Minister may by regulations make provision-

- (a) for preventing danger to public health from vessels, aircraft or other conveyances arriving at any place;
- (b) for preventing the spread of infection or contamination by means of any vessel, aircraft or other conveyance leaving any place; and
- (c) for giving effect to any international agreement or arrangement relating to the spread of infection or contamination.

(2) Regulations under subsection (1) may in particular include provision-

- (a) for the detention of conveyances;
- (b) for the medical examination, detention, isolation or quarantine of persons;

- (c) for the inspection, analysis, retention, isolation, quarantine or destruction of things;
- (d) for the disinfection or decontamination of conveyances, persons or things or the application of other sanitary measures;
- (e) for prohibiting or regulating the arrival or departure of conveyances and the entry or exit of persons or things;
- (f) imposing duties on masters, pilots and other persons on board conveyances and on owners, managers and operators of ports, airports and other points of entry; and
- (g) requiring persons to provide information or answer questions (including information or questions relating to their health).

(3) Regulations made under this section may provide for penalties and section 23(b) of the Interpretation and General Clauses Act does not apply to such regulations.

Health protection regulations: domestic.

11.(1) The Minister may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Gibraltar (whether from risks originating in Gibraltar or elsewhere).

(2) The power in subsection (1) may be exercised –

- (a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination; and
- (b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.

(3) Regulations under subsection (1) may in particular include provision –

- (a) imposing duties on registered medical practitioners or other persons to record and notify cases or suspected cases of infection or contamination;
- (b) conferring on authorities or other persons functions in relation to the monitoring of public health risks; and
- (c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.

- (4) The restrictions or requirements mentioned in subsection (3)(c) include in particular –
- (a) a requirement that a child is to be kept away from college, school, nursery or a child care facility;
 - (b) a prohibition or requirement relating to the holding of an event or gathering;
 - (c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains; and
 - (d) a special restriction or requirement.
- (5) The power in subsection (1) is subject to section 12.
- (6) For the purposes of this Part –
- (a) a “special restriction or requirement” means a restriction or requirement which can be imposed by the magistrate’s court by virtue of section 15(2), 17(2) or 18(2), but
 - (b) a restriction or requirement mentioned in subsection (4)(a), (b) or (c) is not to be regarded as a special restriction or requirement.
- (7) Regulations made under this section may provide for penalties and section 23(b) of the Interpretation and General Clauses Act does not apply to such regulations.

Restrictions on power to make regulations under section 11.

12.(1) Regulations under section 11 may not include provision imposing a restriction or requirement by virtue of section 11(3)(c) unless the Minister considers, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(2) Regulations under section 11 may not include provision enabling the imposition of a restriction or requirement by virtue of section 11(3)(c) unless the regulations provide that a decision to impose such a restriction or requirement may only be taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) Regulations under section 11 may not include provision imposing a special restriction or requirement mentioned in section 15(2)(a), (b), (c) or (d).

(4) Regulations under section 11 may not include provision enabling the imposition of a special restriction or requirement unless –

- (a) the regulations are made in response to a serious and imminent threat to public health; or

- (b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat at the time when it is imposed.

(5) For the purposes of this section –

- (a) regulations “enable the imposition of a restriction or requirement” if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Minister;
- (b) regulations “impose a restriction or requirement” if the restriction or requirement is imposed without any such decision.

Medical treatment.

13.(1) Regulations under section 10 and 11 may not include provision requiring a person to undergo medical treatment.

- (2) “Medical treatment” includes vaccination and other prophylactic treatment.

Health protection regulations: supplementary.

14.(1) This section makes further provision about regulations under section 10 and 11 (“health protection regulations”).

(2) Health protection regulations may –

- (a) confer functions on any Government department or statutory authority or other person;
- (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 create an offence triable on indictment or punishable on imprisonment.

(5) Health protection regulations that create an offence punishable with a fine and a further 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 level 4 on the standard scale.

(6) Regulations under section 11 must provide for a right of appeal to the magistrate's 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 11 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 15(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.

Orders that may be made by a justice of the peace

Power to order health measures in relation to persons.

15.(1) A justice of the peace may make an order under subsection (2) in relation to a person ("P") if the justice is satisfied that-

- (a) P is or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that P might infect or contaminate others; and
- (d) it is necessary to make the order in order to remove or reduce that risk.

(2) The order may impose on or in relation to P one or more of the following restrictions or requirements-

- (a) that P submit to medical examination;

- (b) that P be removed to a hospital or other suitable establishment;
- (c) that P be detained in a hospital or other suitable establishment;
- (d) that P be kept in isolation or quarantine;
- (e) that P be disinfected or decontaminated;
- (f) that P wear protective clothing;
- (g) that P provide information or answer questions about P's health or other circumstances;
- (h) that P's health be monitored and the results reported;
- (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
- (j) that P be subject to restrictions on where P goes or with whom P has contact;
- (k) that P abstain from working or trading.

(3) A justice of the peace may make an order under subsection (4) in relation to a person ("P") if the justice is satisfied that-

- (a) P is or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that a related party might infect or contaminate others; and
- (d) it is necessary to make the order in order to remove or reduce that risk.

(4) The order may impose on or in relation to P a requirement that P provide information or answer questions about P's health or other circumstances (including, in particular, information or questions about the identity of a related party).

(5) "Related party" means-

- (a) a person who has or may have infected or contaminated P; or
- (b) a person whom P has or may have infected or contaminated.

(6) An order under this section may also order a person with parental responsibility for P to secure that P submits to or complies with the restrictions or requirements imposed by the order.

(7) Any reference in this section to a person who is infected or contaminated includes a reference to a person who carries the source of an infection or contamination, and any reference to infecting or contaminating others includes a reference to passing that source to others.

Evidence required for a Part 3 application in relation to persons.

16.(1) A justice of the peace cannot be satisfied that the criteria in section 15(1) or (3) (power to order health measures in relation to persons) are met unless the evidence listed in subsection (2) is available to the court.

(2) That evidence is –

- (a) a report which gives details (insofar as known and relevant), or gives reasons for the omission of details, of-
 - (i) the signs and symptoms of the infection or contamination in the person (P) who is the subject of the application;
 - (ii) P's diagnosis;
 - (iii) the outcome of clinical or laboratory tests; and
 - (iv) P's recent contacts with, or proximity to, a source or sources of infection or contamination;
- (b) a summary of the characteristics and effects of the infection or contamination which P has or may have which includes an explanation of –
 - (i) the mechanism by which the infection or contamination spreads;
 - (ii) how easily the infection or contamination spreads among humans; and
 - (iii) the impact of the infection or contamination on human health (by reference to pain, disability and the likelihood of death);
- (c) in relation to applications seeking an order under section 15(2), an assessment of the risk to human health that P presents, including a description of any acts or omissions, or anticipated acts or omissions, of P which affect that risk;
- (d) in relation to applications seeking an order under section 15(4), an assessment of the risk to human health that the related party presents, including any acts or omissions, or anticipated acts or omissions, of the related party which affect that risk;
- (e) in relation to applications seeking an order under section 15(2), an assessment of the options available to deal with the risk that P presents; and

(f) in relation to applications seeking an order under section 15(4), an assessment of the options available to deal with the risk that the related party presents.

(3) A report under subsection (2)(a) must include the details mentioned in at least one of subsections (2)(a)(i) to (iv).

(4) The evidence must be given by persons who are suitably qualified to give the evidence.

(5) The evidence may be given orally or in writing.

(6) The Minister may by regulations amend subsection (2) to make further provision about the evidence that must be available to the justice before the justice can be satisfied as mentioned in subsection (1) or (3).

Power to order health measures in relation to things.

17.(1) A justice of the peace may make an order under subsection (2) in relation to a thing if the justice is satisfied that-

- (a) the thing is or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that the thing might infect or contaminate humans; and
- (d) it is necessary to make the order in order to remove or reduce that risk.

(2) The order may impose in relation to the thing one or more of the following restrictions or requirements-

- (a) that the thing be seized or retained;
- (b) that the thing be kept in isolation or quarantine;
- (c) that the thing be disinfected or decontaminated;
- (d) in the case of a dead body, that the body be buried or cremated;
- (e) in any other case, that the thing be destroyed or disposed of.

(3) A justice of the peace may make an order under subsection (4) in relation to a thing if the justice is satisfied that-

- (a) the thing is or may be infected or contaminated;

- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that a related person or related thing might infect or contaminate humans; and
- (d) it is necessary to make the order in order to remove or reduce that risk.

(4) The order may require-

- (a) the owner of the thing; or
- (b) any person who has or has had custody or control of the thing,

to provide information or answer questions about the thing (including, in particular, information or questions about where the thing has been or about the identity of any related person or the whereabouts of any related thing).

(5) “Related person” means-

- (a) a person who has or may have infected or contaminated the thing mentioned in subsection (3)(a); or
- (b) a person whom the thing has or may have infected or contaminated.

(6) “Related thing” means-

- (a) a thing which has or may have infected or contaminated the thing mentioned in subsection (3)(a); or
- (b) a thing which the thing mentioned in subsection (3)(a) has or may have infected or contaminated.

(7) The Minister may by regulations make provision about the evidence that must be available to the justice of the peace before the justice can be satisfied as mentioned in subsection (1) or (3).

(8) In this section-

- (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination; and
- (b) any reference to infecting or contaminating humans, or a person or thing, includes a reference to passing the source of an infection or contamination to humans, or to the person or thing.

Power to order health measures in relation to premises.

18.(1) A justice of the peace may make an order under subsection (2) in relation to premises if the justice is satisfied that-

- (a) the premises are or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that the premises might infect or contaminate humans; and
- (d) it is necessary to make the order in order to remove or reduce that risk.

(2) The order may impose in relation to the premises one or more of the following restrictions or requirements-

- (a) that the premises be closed;
- (b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
- (c) that the premises be disinfected or decontaminated;
- (d) that, in the case of a building, conveyance or structure, the premises be destroyed.

(3) A justice of the peace may make an order under subsection (4) in relation to premises if the justice is satisfied that-

- (a) the premises are or may be infected or contaminated or are or may be a place where infection or contamination was spread between persons or things;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that a related person or related thing might infect or contaminate humans; and
- (d) it is necessary to make the order in order to remove or reduce that risk.

(4) The order may require the owner or any occupier of the premises to provide information or answer questions about the premises (including, in particular, information about the identity of any related person or the whereabouts of any related thing).

(5) “Related person” means-

- (a) a person who has or may have infected or contaminated the premises;
- (b) a person who has or may have infected or contaminated a person who or thing which is or has been on the premises;
- (c) a person whom the premises have or may have infected or contaminated; or
- (d) a person who has or may have been infected or contaminated by a person who or thing which is or has been on the premises.

(6) “Related thing” means-

- (a) a thing which has or may have infected or contaminated the premises;
- (b) a thing which has or may have infected or contaminated a person who or thing which is or has been on the premises;
- (c) a thing which the premises have or may have infected or contaminated; or
- (d) a thing which has or may have been infected or contaminated by a person who or thing which is or has been on the premises.

(7) The Minister may by regulations make provision about the evidence that must be available to a justice of the peace before the justice can be satisfied as mentioned in subsection (1) or (3).

(8) In this section-

- (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination; and
- (b) any reference to infecting or contaminating humans, or a person, thing or premises, includes a reference to passing the source of an infection or contamination to humans, or to the person, thing or premises.

Orders in respect of groups.

19.(1) The powers in sections 15, 17 and 18 include power to make an order in relation to a group of persons, things or premises.

(2) For those purposes, the sections have effect as follows.

(3) In section 15-

- (a) in subsections (1)(a) and (c) and (3)(a), the reference to P is a reference to each person in the group; and
- (b) in subsections (2) and (4), any reference to P is a reference to any one or more of the persons in the group.

(4) In section 17-

- (a) in subsections (1)(a) and (c) and (3)(a), the reference to the thing is a reference to each thing in the group; and
- (b) in subsections (2) and (4) any reference to the thing is a reference to any one or more of the things in the group.

(5) In section 18 -

- (a) in subsections (1)(a) and (c) and (3)(a), the reference to the premises is a reference to each set of premises in the group; and
- (b) in subsections (2) and (4), any reference to the premises is a reference to any one or more of the sets of premises in the group.

Part 3 orders: supplementary.

20.(1) This section makes further provision about orders under sections 15, 17 and 18 (“Part 3 orders”).

(2) A Part 3 order may include, in addition to the restrictions or requirements mentioned in the provision under which it is made, such other restrictions or requirements as the justice considers necessary for the purpose of reducing or removing the risk in question.

(3) A restriction or requirement contained in a Part 3 order may be expressed to take effect subject to conditions specified in the order.

(4) Two or more Part 3 orders may be combined in a single order.

(5) A Part 3 order may contain such directions as the justice considers appropriate to give effect to it.

(6) Without prejudice to subsection (5)-

- (a) a Part 3 order may, if the justice of the peace is satisfied as mentioned in subsection (5) of section 59, authorise anything which may be authorised by warrant under subsection (4) of that section; and

- (b) if the order does so, section 60(1) and (3) have effect as if-
 - (i) the order were a warrant issued under section 59, and
 - (ii) the person so authorised were a proper officer.

(7) A Part 3 order may order the payment of compensation or expenses in connection with the taking of measures pursuant to the order.

(8) A Part 3 order is authority for those persons to whom it is addressed to do such things as may be necessary to give effect to it.

Period for which Part 3 order may be in force.

21.(1) A Part 3 order must specify the period for which any restriction or requirement imposed by or under the order is to remain in force.

(2) That period may be extended by further order of a justice of the peace.

(3) In relation to a Part 3 order imposing a restriction or requirement under section 15(2)(a) to (k) (power to order health measures in relation to persons) neither the period for which the restriction or requirement imposed may be in force nor the period of any extension of a restriction or requirement may exceed 28 days.

(4) The Minister may by regulations prescribe, in relation to any other restrictions or requirements, the maximum period which may be specified under subsection (1) and the maximum period of any extension under subsection (2).

Procedure for making, varying and revoking Part 3 orders.

22.(1) The power of a justice of the peace to make a Part 3 order is exercisable on the application of a relevant authority.

(2) Relevant authorities must co-operate with each other in deciding which of them should apply for a Part 3 order in any particular case.

- (3) A Part 3 order may be varied or revoked by a justice of the peace on the application of-
 - (a) an affected person;
 - (b) a relevant authority; or
 - (c) any other authority with the function of executing or enforcing the order in question.

(4) In the case of an order under section 15, the following persons are affected persons-

- (a) P;
- (b) a person with parental responsibility (within the meaning of the Children Act 2009) for P;
- (c) P's husband, wife or civil partner;
- (d) a person living with P as P's husband, wife or civil partner;
- (e) P's decision-maker; and
- (f) such other persons as may be prescribed by regulations.

(5) In the case of an order under section 17(2), the following persons are affected persons-

- (a) the owner of the thing;
- (b) any person with custody or control of the thing;
- (c) in relation to a dead body or human remains, the deceased's next of kin; and
- (d) such other persons as may be prescribed by regulations.

(6) In the case of an order under section 18(2), the following persons are affected persons-

- (a) the owner of the premises;
- (b) any occupier of the premises; and
- (c) such other persons as may be prescribed by regulations.

(7) In the case of an order under section 17(4) or 18(4), the person required to provide information or answer questions and such other persons as may be prescribed by regulations are affected persons.

(8) Variation or revocation of a Part 3 order does not invalidate anything done under the order prior to the variation or revocation.

(9) An application for an order under Part 3 may be heard by a justice of the peace otherwise than in open court if the circumstances so require.

Duty to give notice of Part 3 application.

23.(1) This section applies where the relevant authority is making a Part 3 application.

(2) The relevant authority must make reasonable enquiries as to the existence and location of persons who fall within subsections (4) to (7) (as applicable).

(3) Having made reasonable enquiries pursuant to subsection (2), the relevant authority must give notice of the application to the persons specified in subsections (4) to (7) (as applicable) where such persons are known to the relevant authority and contactable by it.

(4) In relation to an application for an order under section 15(2) or (4) (power to order health measures in relation to persons), the persons specified are –

- (a) the person subject to the application (P);
- (b) a person with parental responsibility for P, if P is a child; and
- (c) P's decision-maker (if any).

(5) Subject to subsection (6), in relation to an application for an order under section 17(2) or (4) (power to order health measures in relation to things), the persons specified are –

- (a) the owner of the thing; and
- (b) the person with custody or control of the thing.

(6) In relation to an application for an order under section 17(2) in respect of a dead body or human remains, the person specified is the deceased's next of kin (or where the deceased has more than one next of kin, any one of those persons).

(7) In relation to an application for an order under section 18(2) or (4) (power to order health measures in relation to premises), the persons specified are –

- (a) the owner of the premises; and
- (b) the occupier of the premises, if any.

(8) The relevant authority is not required to give notice under subsection (3) where P, in the reasonable view of the relevant authority, is likely to abscond or otherwise take steps to undermine the order applied for.

(9) The relevant authority is not required to give notice under subsection (3) to a person specified in subsection (4)(b) where exceptional circumstances exist which mean that notifying such a person would not be in P's best interests.

(10) In this section –

“next of kin” means the person accorded highest rank in the following list (but if two or more persons are accorded equal ranking then each of those persons is to be treated as next of kin)-

- (a) a person with parental responsibility for the deceased person (P);
- (b) P's husband, wife or civil partner;
- (c) a person who had been living with P up to the time of P's death as P's husband, wife or civil partner;
- (d) P's child where aged 18 years or over;
- (e) P's parent;
- (f) P's brother or sister where aged 18 or over;

“P's decision maker” means P's donee of enduring power of attorney or lasting power of attorney under the Lasting Powers of Attorney and Capacity Act 2018 or a deputy appointed by the Court of Protection in relation to P, where decisions in connection with Part 3 applications or orders are within the scope of that person's authority.

(11) If a justice of the peace considers it necessary to do so, the justice may make a Part 3 order without a person having been given such notice as is otherwise required to be given to that person under rules of court, this section, or regulations made under subsection (12).

(12) The Minister may by regulations require a relevant authority to give notice to such other persons as may be prescribed by the regulations of the making of an application for a Part 3 order, but this is subject to subsection (11).

Discretionary power for relevant authorities to charge in connection with Part 3 orders in relation to things and premises.

24.(1) This section applies where a relevant authority has incurred costs taking measures pursuant to a Part 3 order under section 17 (health measures in relation to things) or section 18 (health measures in relation to premises).

- (2) Subject to subsection (4), the relevant authority may impose a charge on-
 - (a) the owner or person with custody or control of the thing which is the subject of an order under section 17; or
 - (b) the owner or occupier of the premises which are the subject of an order under section 18.
- (3) The amount of the charge imposed –
 - (a) must not exceed the actual costs (including staff costs) incurred by the relevant authority in taking measures in relation to the thing or premises pursuant to the order; and

(b) must be reasonable in the circumstances.

(4) A relevant authority may not impose a charge in connection with orders under section 17 which relate to a dead body or human remains.

Duty on relevant authority to provide information in relation to Part 3 orders in relation to persons.

25.(1) This section applies where a relevant authority has made a Part 3 application and a justice of the peace has made a Part 3 order under section 15 (health measures in relation to persons) in respect of that application.

(2) The relevant authority must take all reasonable steps to ensure that the person who is the subject of the order (P) understands-

- (a) the effect of the order, the reason it has been made, the power under which it has been made and P's right to apply for a variation or revocation of the order; and
- (b) the relevant support services available to P (and how to access them).

(3) The relevant authority must take the steps as soon as reasonably practicable after the order is made.

(4) Where P is under the age of 18 years, the duty under subsection (2) is to ensure that a person with parental responsibility for P understands the matters set out in paragraphs (a) and (b) of that subsection.

Duty on relevant authorities to have regard to welfare following a Part 3 order in relation to persons.

26.(1) This section applies where a person (P) –

- (a) is detained in a hospital or other suitable establishment pursuant to a Part 3 order under section 15(2)(c) (health measures in relation to persons); or
- (b) is kept in isolation or quarantine pursuant to a Part 3 order under section 15(2)(d) (health measures in relation to persons).

(2) The relevant authority which made the application for the Part 3 order must have regard to the impact of the order on the welfare of P and P's dependants, if any, for the duration of the order.

Duty on relevant authorities to report to the Minister.

27.(1) A relevant authority must provide a written report to the Minister each time-

- (a) it makes a Part 3 application; and

(b) a Part 3 order is varied or revoked.

(2) The report must include –

- (a) the name of the relevant authority;
- (b) contact details for the officer of the relevant authority responsible for the report;
- (c) a copy of the Part 3 application (with information that would enable the identification of the person who is the subject of the application removed), or a copy of the order varying or revoking the Part 3 order (with information that would enable the identification of the person who is the subject of the order removed), as the case may be;
- (d) if an order is made, a copy of that order (with information that would enable the identification of the person who is subject of the order removed); and
- (e) if a Part 3 order is not made, the reason for it not being made.

(3) The report must be provided as soon as practicable after –

- (a) the application is determined and no later than 10 days beginning with the day on which the application is determined; or
- (b) the Part 3 order is varied or revoked and no later than 10 days beginning with the day on which the relevant authority becomes aware that the Part 3 order has been varied or revoked.

(4) In this section, “the application is determined” when either an order is made pursuant to the application or the application is dismissed or withdrawn.

Enforcement of Part 3 orders.

28.(1) A person commits an offence if the person-

- (a) fails without reasonable excuse to comply with a restriction or requirement imposed by or under a Part 3 order; or
- (b) wilfully obstructs anyone acting in the execution of a Part 3 order.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) If-

- (a) a person is convicted of an offence under subsection (1); and

- (b) the court by which the person is convicted is satisfied that the failure or wilful obstruction constituting the offence has caused premises or things to become infected or contaminated or otherwise damaged them in a material way,

the court may, if it considers it appropriate to do so, order the person to take or pay for such remedial action as may be specified in the order.

(4) Subsection (5) applies if-

- (a) a Part 3 order imposes a requirement that a person be detained or kept in isolation or quarantine in a place; and
- (b) the person leaves that place contrary to the requirement.

(5) A police officer may take the person into custody and return the person to that place.

(6) But a person may not be taken into custody under subsection (5) after expiry of the period for which the requirement is in force.

Power to make further provision by regulations.

29.(1) The Minister may by regulations make provision about the taking of measures pursuant to Part 3 orders.

(2) The regulations may in particular make provision about-

- (a) the type of investigation which may be carried out as part of a medical examination;
- (b) the manner in which measures are to be taken;
- (c) who is to be responsible for executing and enforcing measures;
- (d) who is to be liable for the costs of measures;
- (e) the payment of compensation or expenses in connection with the taking of measures.

(3) A power to make regulations under this Part includes power to make different provision for different cases.

Application to BGTW.

30.(1) The provisions of this Part have effect in BGTW.

(2) In this section, “BGTW” means the area of sea, the seabed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extend to three nautical miles and to the median line in the Bay of Gibraltar.

Part 3: further definitions.

31.(1) This Part is to be read in accordance with this section.

(2) “Medical examination” includes microbiological, radiological and toxicological tests.

(3) “Thing” includes-

- (a) human tissue,
- (b) a dead body or human remains,
- (c) animals, and
- (d) plant material.

(4) Any reference to amending an enactment includes a reference to repealing, revoking or modifying the application of an enactment, and “amendment” is to be read accordingly.

(5) Any reference to giving effect to an international agreement or arrangement includes a reference to giving effect to a recommendation issued under such an agreement or arrangement.

Other powers of relevant authorities

Disinfection or decontamination of things on request of the owner.

32.(1) A relevant authority may disinfect or decontaminate, or cause to be disinfected or decontaminated, a thing where requested to do so by the owner of the thing.

(2) The relevant authority may charge the owner for disinfection or decontamination of the thing if the owner is made aware of the charge prior to disinfection or decontamination being carried out and agrees to pay it.

(3) The relevant authority’s charge must not exceed the cost incurred by the relevant authority in carrying out the disinfection or decontamination.

Disinfection or decontamination of things on request of person with custody or control.

33.(1) A relevant authority may disinfect or decontaminate, or cause to be disinfected or decontaminated, a thing where requested to do so by a person (A) with custody or control of

the thing if the relevant authority is reasonably satisfied that the financial value of the thing will not be reduced as a consequence of the disinfection or decontamination.

(2) The relevant authority may charge A for the disinfection or decontamination of the thing if A is made aware of the charge prior to disinfection or decontamination being carried out and agrees to pay it.

(3) The relevant authority's charge must not exceed the cost incurred by the relevant authority in carrying out the disinfection or decontamination.

Disinfection or decontamination of premises on the request of the owner.

34.(1) A relevant authority may disinfect or decontaminate, or cause to be disinfected or decontaminated, premises where requested to do so by the owner of the premises.

(2) The relevant authority may charge the owner for the disinfection or decontamination of the premises if the owner is made aware of the charge prior to disinfection or decontamination being carried out and agrees to pay it.

(3) The relevant authority's charge must not exceed the cost incurred by the relevant authority in carrying out the disinfection or decontamination.

Disinfection or decontamination of premises on request of tenant.

35.(1) A relevant authority may disinfect or decontaminate, or cause to be disinfected or decontaminated, premises where requested to do so by the tenant of the premises if the relevant authority is reasonably satisfied that the financial value of the premises will not be reduced as a consequence of the disinfection or decontamination.

(2) The relevant authority may charge the tenant for the disinfection or decontamination of the premises if the tenant is made aware of the charge prior to disinfection or decontamination being carried out and agrees to pay it.

(3) The relevant authority's charge must not exceed the cost incurred by the relevant authority in carrying out the disinfection or decontamination.

Request for co-operation for health protection purposes.

36.(1) A relevant authority may by serving notice on any person or group of persons request that the person or group of persons do, or refrain from doing, anything for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination which presents or could present a significant harm to human health.

(2) The notice must provide contact details for an officer of the relevant authority who is able to discuss the notice.

(3) The relevant authority may offer compensation or expenses in connection with its request.

PART 4

HOSPITALS AND SOCIAL CARE SERVICES

Interpretation.

37. In this Part –

“health care” includes all forms of health care provided for individuals, whether relating to physical or mental health, and also includes procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition;

“social care” includes all forms of personal care and other practical assistance provided for individuals who by reason of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs, or any other similar circumstances, are in need of such care or other assistance;

“health or social care” means health care or social care;

“health care associated infection” means any infection to which an individual may be exposed or made susceptible (or more susceptible) in circumstances where—

- (a) health or social care is being, or has been, provided to that or any other individual, and
- (b) the risk of exposure to the infection, or of susceptibility (or increased susceptibility) to it, is directly or indirectly attributable to the provision of that care,

but does not include an infection to which the individual is deliberately exposed as part of any health care.

Duty to prevent the spread of infection.

38. Health and social care providers must assess the risk of, and prevent, detect and control the spread of infections including those that are health care associated.

Regulations.

39. The Minister may make regulations to make provision for the prevention and control of health care associated infections and such regulations may include such provision as the Minister considers appropriate for the purpose of safeguarding individuals (whether receiving health or social care or otherwise) from the risk, or any increased risk, of being exposed to health care associated infections or of being made susceptible, or more susceptible to them.

Guidance.

40.(1) The Minister may issue guidance about compliance with the requirements of section 38 or of regulations made under section 39.

(2) The Minister may from time to time revise guidance issued by it under this section and issue the revised guidance.

(3) Health and social care providers must follow any guidance issued under subsection (1).

PART 5

EDUCATIONAL ESTABLISHMENTS

Interpretation.

41. In this Part –

“child care facility” means a crèche or other facility for the care of children aged between 0 years and 4 years which is not an educational establishment;

“educational establishment” means

- (a) a school within the meaning of the Education and Training Act; or
- (b) a nursery school within the meaning of the Education and Training Act;

“principal” means

- (a) the headteacher or, if the headteacher is absent, the person deputising for the headteacher;
- (b) the owner of a child care facility or the person appointed by the owner to carry out the day to day management of the child care facility;

“pupils” includes children attending a nursery.

Requirement to provide details of children attending an educational establishment or child care facility.

42.(1) The DPH may by serving notice on a principal of an educational establishment or child care facility require the principal to provide to the DPH a list of the names, addresses and contact telephone numbers for all the pupils of that educational establishment, or children at that child care facility or such group of pupils or children as the DPH may specify, where the condition in subsection (2) is met.

(2) The condition is that the DPH is satisfied that –

- (a) a person (P) who is or has recently been on the educational establishment's or child care facility's premises is or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that P may have infected or contaminated pupils at the educational establishment or children at the child care facility;
- (d) it is necessary for the DPH to have the list in order to contact those pupils or children with a view to ascertaining whether they are or may be infected or contaminated;
- (e) requiring the list (and contacting those pupils or children who may be infected or contaminated) is a proportionate response to the risk presented by P.

(3) The notice must –

- (a) specify a time limit for meeting the requirement;
- (b) specify an address where the list is to be sent;
- (c) provide contact details for an officer of the Department of Public Health who is able to discuss the notice.

(4) It is an offence for a principal to fail without reasonable excuse to comply with a notice served under subsection (1).

(5) Any person who commits an offence under this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Requirement to keep a child away from educational establishment.

43.(1) This section applies where the DPH notifies the Director of Education in relation to a child (C) that –

- (a) C is or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that C might infect or contaminate others;
- (d) it is necessary to keep C away from the educational establishment in order to remove or reduce that risk; and

- (e) keeping C away from the educational establishment is a proportionate response to the risk to others presented by C.
- (2) The Director of Education must by serving notice on C's parent (PT) require that PT keep C away from school.
- (3) The notice must include the following information –
- (a) the date from which the requirement commences;
 - (b) the duration of the requirement (up to a maximum of 28 days);
 - (c) why the requirement is believed to be a necessary and proportionate measure;
 - (d) the penalty for failing to comply with the notice; and
 - (e) contact details for an officer of the Department of Education who is able to discuss the notice.
- (4) The Director of Education must as soon as reasonably practicable after serving notice under subsection (2) inform the headteacher of C's educational establishment-
- (a) that it has served such a notice in relation to C; and
 - (b) of the contents of that notice.
- (5) PT may request that the Director of Education review the notice at any time before the requirement lapses.
- (6) The Director of Education –
- (a) must review the notice within 5 working days beginning with the day on which the request is made where PT is requesting a review of that notice for the first time; or
 - (b) may review the notice in the case of all other requests.
- (7) The Director of Education must inform PT and the headteacher of C's educational establishment of the outcome of any review it conducts as soon as reasonably practicable after the review is concluded.
- (8) The Director of Education may vary or revoke a notice.
- (9) The Director of Education must as soon as reasonably practicable after varying or revoking a notice under subsection (8) inform PT and the headteacher of C's educational establishment that the notice has been varied or revoked and, if varied, the nature of the variation.

(10) The Director of Education may serve consecutive notices under subsection (2).

(11) The Director of Education must inform PT and the headteacher of C's educational establishment as soon as reasonably practicable where a notice has expired and no further notice is to be served.

(12) It is an offence for PT to fail without reasonable excuse to comply with a notice served under subregulation (2) or varied under subregulation (8).

(13) Any person who commits an offence under this regulation is liable on summary conviction to one or both of –

- (a) a fine not exceeding level 2 on the standard scale;
- (b) a further fine not exceeding an amount equal to 50% of level 1 on the standard scale for each day on which the default continues after conviction.

(14) In this section “educational establishment” includes an independent school within the meaning of the Education and Training Act.

Requirement to keep a child away from a child care facility.

44.(1) This section applies where the DPH is satisfied in relation to a child (C) that –

- (a) C is or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that C might infect or contaminate others;
- (d) it is necessary to keep C away from the child care facility in order to remove or reduce that risk; and
- (e) keeping C away from the child care facility is a proportionate response to the risk to others presented by C.

(2) The DPH must by serving notice on C's parent (PT) require that PT keep C away from the child care facility.

(3) The notice must include the following information –

- (a) the date from which the requirement commences;
- (b) the duration of the requirement (up to a maximum of 28 days);
- (c) why the requirement is believed to be a necessary and proportionate measure;

- (d) the penalty for failing to comply with the notice; and
 - (e) contact details for an officer of the Department of Public Health who is able to discuss the notice.
- (4) The DPH must as soon as reasonably practicable after serving notice under subsection (2) inform the principal of C's child care facility-
- (a) that it has served such a notice in relation to C; and
 - (b) of the contents of that notice.
- (5) PT may request that the DPH review the notice at any time before the requirement lapses.
- (6) The DPH –
- (a) must review the notice within 5 working days beginning with the day on which the request is made where PT is requesting a review of that notice for the first time; or
 - (b) may review the notice in the case of all other requests.
- (7) The DPH must inform PT and the principal of C's child care facility of the outcome of any review it conducts as soon as reasonably practicable after the review is concluded.
- (8) The DPH may vary or revoke a notice.
- (9) The DPH must as soon as reasonably practicable after varying or revoking a notice under subsection (8) inform PT and the principal of C's child care facility that the notice has been varied or revoked and, if varied, the nature of the variation.
- (10) The DPH may serve consecutive notices under subsection (2).
- (11) The DPH must inform PT and the principal of C's child care facility as soon as reasonably practicable where a notice has expired and no further notice is to be served.
- (12) It is an offence for PT to fail without reasonable excuse to comply with a notice served under subregulation (2) or varied under subregulation (8).
- (13) Any person who commits an offence under this regulation is liable on summary conviction to one or both of –
- (a) a fine not exceeding level 2 on the standard scale;
 - (b) a further fine not exceeding an amount equal to 50% of level 1 on the standard scale for each day on which the default continues after conviction.

Regulations.

45. The Minister may by regulations make provision for the prevention and control of infections within educational establishments.

Guidance.

46.(1) The DPH may issue guidance to educational establishments about the prevention and control of infections within educational establishments.

(2) The DPH may issue guidance to child care facilities about the prevention and control of infections within child care facilities.

PART 6

DISPOSAL OF BODIES

Burial and cremation.

50.(1) It shall be the duty of the Government to cause to be buried or cremated the body of any person who has died or been found dead, in any case where it appears to the Government that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Government.

(2) The Government shall not cause a body to be cremated under subsection (1) where it has reason to believe that cremation would be contrary to the wishes of the deceased.

(3) Subsection (1) does not affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.

(4) An authority may recover from the estate of the deceased person expenses incurred under subsection (1) above.

Removal of body to mortuary for immediate burial.

51.(1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied on a certificate of the DPH that the retention of a dead body in any place would endanger the health of any person, the justice may order –

- (a) that the body be removed by, and at the cost of, Government to a mortuary; and
- (b) that the necessary steps be taken to secure that it is buried within a time limited by the order, or if the justice considers immediate burial necessary, immediately.

(2) Where an order is made under subsection (1) above, relatives or friends of the deceased person shall be deemed to comply with the order if they cause the body to be cremated within the time limited by the order or, as the case may be, immediately.

(3) An order under this section shall be an authority to any officer named in it to do all acts necessary for giving effect to the order.

Restriction of contact with dead bodies.

52.(1) This section applies where the DPH is satisfied that –

- (a) a dead body is or may be infected or contaminated;
- (b) the infection or contamination is one which presents or could present significant harm to human health;
- (c) there is a risk that the dead body might infect or contaminate people;
- (d) it is necessary to restrict contact with the dead body in order to remove or reduce that risk; and
- (e) prohibiting any person from having contact with the dead body is a proportionate response to the risk presented by that dead body.

(2) The DPH may serve on the person (M) having charge or control of the premises in which the dead body is located a notice prohibiting any person from having contact with the dead body.

(3) On receipt of a notice under subsection (2), M must arrange for a copy of the notice to be conspicuously displayed near the dead body without delay.

(4) The notice must include-

- (a) a statement to the effect that contact with the body near which the notice has been displayed is prohibited;
- (b) a statement to the effect that breach of the prohibition is a criminal offence;
- (c) contact details for an officer from the Department of Public Health who is able to discuss the notice; and
- (d) the legal authority for the prohibition.

(5) An offence is committed if, without reasonable excuse –

- (a) M fails to arrange for a copy of the notice to be displayed in accordance with subsection (3);
- (b) any person removes or defaces a notice displayed under subsection (3);

(c) any person fails to comply with a notice displayed under subsection (3).

(6) An offence is not committed under subsection (5)(c) if –

(a) the person has the consent of the DPH to have contact with the dead body,

(b) the person is exercising the functions of a coroner or is acting under the authority of a coroner.

(7) Any person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Restriction of access to dead bodies.

53.(1) This section applies where the DPH is satisfied that-

(a) a dead body is or may be infected or contaminated;

(b) the infection or contamination is one which presents or could present significant harm to human health;

(c) there is a risk that the dead body might infect or contaminate people;

(d) it is necessary to restrict entry to the room in which the dead body is located in order to remove or reduce that risk; and

(e) prohibiting any person from entering the room in which the dead body is located is a proportionate response to the risk presented by that dead body.

(2) The DPH may serve on the person (M) having charge or control of the premises in which the dead body is located a notice prohibiting any person from entering the room in which the dead body is located.

(3) On receipt of a notice served under subsection (2), M must arrange for a copy of the notice to be conspicuously displayed at each of the entry points to the room without delay.

(4) The notice must include –

(a) a statement to the effect that entering the room in which the dead body is located is prohibited;

(b) a statement to the effect that breach of the prohibition is a criminal offence;

(c) contact details for an officer of the Department of Public Health who is able to discuss the notice; and

(d) the legal authority for the prohibition.

- (5) An offence is committed if, without reasonable excuse –
- (a) M fails to arrange for a copy of the notice to be displayed at each of the entry points to the room in accordance with subsection (3);
 - (b) any person removes or defaces a notice displayed under subsection (3); or
 - (c) any person fails to comply with a notice displayed under subsection (3).
- (6) An offence is not committed under subsection (5)(c) if –
- (a) the person has the DPH’s consent to enter the room in which a dead body is located; or
 - (b) the person is exercising the functions of the coroner or is acting under the authority of the coroner.
- (7) Any person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Regulations and rules about dead bodies.

- 54.(1) The Minister may make regulations imposing any conditions and restrictions –
- (a) with respect to means of disposal of dead bodies otherwise than by burial or cremation;
 - (b) as to the period of time a body may be retained after death on any premises; or
 - (c) with respect to embalming or preservation,

which may appear to be desirable in the interests of public health or public safety.

- (2) The Chief Environmental Health Officer may provide hearses and the Minister may by rules prescribe the charges for the use of such hearses.

PART 7

GENERAL

Form of notices and other documents.

55.(1) All notices, orders and other documents authorised or required by or under this Act to be given, made or issued by a relevant department or authority and all notices and applications authorised or required by or under this Act to be given, made or issued by a relevant department or authority shall be in writing.

(2) The Minister may by regulations prescribe the form of any notice, certificate or other documents to be used for the purpose 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.

Authentication of documents.

56.(1) Any notice, order or other document which a relevant department or authority is authorised or required by or under this Act to give, make or issue may be signed on behalf of that authority by any officer or agent authorised to sign documents of the particular kind 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 authority to sign such a document or the particular document,

shall for the purposes of this Act, and of any regulations and orders made under it, be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the relevant authority or department.

(3) In subsection (2) “signature” includes a facsimile of a signature by whatever process reproduced.

Service of documents and other notices.

57. 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 made in this Act, be given or served –

- (a) by delivering it to that person;

- (b) in the case of the coroner or DPH by leaving it or sending it in a letter addressed to them at their office;
- (c) in the case of any other person, by leaving it or sending it in a pre-paid letter addressed to that person, at their usual or last known address;
- (d) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered office or principal office, or by sending it in a pre-paid letter addressed to the secretary or clerk at that office;
- (e) in the case of a document to be given to or served on the owner or occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to 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.

Electronic communications.

58.(1) This section applies to –

- (a) notifications provided under section 5(1), 6(1) and 7(1);
- (b) reports provided under section 27(1)(a) or (b) (duty on relevant authorities to report to the Minister);
- (c) lists provided under section 42 (requirement to provide details of children attending an educational establishment or child care facility).

(2) Notifications, information, 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.

(3) The Minister may by regulations make further provision enabling notices, orders or other documents to be given or served by an electronic communication and may amend subsection (1) to provide for additional types of information to be provided electronically.

Power to enter premises.

59.(1) Subject to the provisions of this section, any proper officer of a relevant 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 –

- (a) for the purpose 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 3 of this Act, which it is the function of the relevant authority to enforce;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the relevant authority to take any action, or execute any work, under such a provision 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 or in relation to such an order, or by any order made under such provision, to be taken, or executed by the relevant authority; or
- (d) generally for the purpose of the performance by the relevant authority of their functions under such a provision or in relation to such an order.

(2) Admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(3) 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 (4) to issue a warrant authorising entry to a private dwelling or to any part of premises used as a private dwelling).

(4) 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),

the justice may by warrant under his hand authorise the relevant authority by any proper officer to enter the premises, if need be by force.

(5) 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.

Supplementary provisions as to entry.

60.(1) A proper officer (“the officer”) entering any premises by virtue of section 59, or of a warrant issued under that section, may take with him such other persons 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.

(2) 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 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 electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which 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.

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

(4) Nothing in section 59 or this section limits the provisions of Part 3, and of regulations made under Part 3, with respect to entry into or upon, and inspection of, any premises.

Offence of wilful obstruction.

61.(1) A person commits an offence if the person wilfully obstructs any person acting in the execution of a provision of this Act 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 to a fine not exceeding level 4 on the standard scale.

Offences by bodies corporate.

62.(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.

Unincorporated associations.

63.(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) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.

(4) 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.

Restrictions on right to prosecute.

64. 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 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.

Time limits for prosecutions.

65.(1) Notwithstanding anything in section 65 of the Magistrates' Court Act, 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 the 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.

Daily penalties for continuing offences.

66. Where by or under this Act or regulations made 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.

Applications to, and appeals from magistrates' court.

67.(1) Where this Act 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, the 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 the magistrates' court under a relevant provision of this Act is not by any other enactment authorised to appeal to the Supreme Court, that person may appeal to the Supreme Court.

Judges and justices not to be disqualified by liability to rates.

68. 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.

Protection from personal liability.

69. Nothing done by a relevant authority or by one of its officers is to subject the authority, or the officer, to any action, liability, claim or demand whatsoever if the thing is done bona fide for the purposes of executing a relevant provision of this Act.

Cumulative effect of Act.

70. All powers and duties conferred or imposed 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 any other enactment 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.

PART 8

REPEAL, TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS

Repeal and revocation.

71.(1) Part IV of the Public Health Act is repealed.

(2) Sections 56, 58, 59 of the Education and Training Act are repealed.

(3) The Notifiable Diseases Order 2017 is revoked.

(4) The Notifiable Disease Order 2020 is revoked.

Effect of repeal and revocation.

72.(1) The repeal by section 71(1) of Part IV of the Public Health Act does not affect anything done or not done prior to the repeal and -

(a) any proceedings instituted prior to the repeal may continue as though the relevant provisions had not been repealed;

(b) any offences committed prior to the repeal may be prosecuted as though the relevant provisions had not been repealed.

(2) The revocation by section 71(2) to (5) of the subsidiary legislation set out in those sections does not affect anything done or not done prior to the revocation and -

- (a) any proceedings instituted prior to the revocation may continue as though the relevant provisions had not been revoked;
- (b) any offences committed prior to the revocation may be prosecuted as though the relevant provisions had not been revoked.

Section 144 of the Public Health Act: duty of registered medical practitioners.

73.(1) Where –

- (a) a duty on a registered medical practitioner under section 144(1)(b) (obligation to notify certain diseases) has arisen before commencement but has not been discharged before that date; and
- (b) the duty is in connection with a notifiable disease that is listed in Schedule 1 of this Act,

the registered medical practitioner must comply with section 5 of this Act (duty to notify suspected disease, infection or contamination in patients).

(2) For the purposes of subsection (1), the registered medical practitioner shall be treated as having formed a suspicion under section 5 on the day of commencement.

Section 163 Public Health Act.

74. Where-

- (a) the Director of Public Health or a registered medical practitioner has certified under section 163 of the Public Health Act that a body should not be removed from hospital except for the purpose of being taken to a mortuary or forthwith buried or cremated; and
- (b) the body subject to the certification remains in that hospital immediately before commencement of this Act,

for the purposes of the certification and the body, section 163 of the Public Health Act shall continue in force (notwithstanding its repeal by this Act).

Section 58 Education and Training Act.

75. Where –

- (a) a notice has been issued to the person having care of a child under section 58 of the Education and Training Act; and
- (b) a certificate has not been issued by the DPH under that section in respect of that notice before commencement of this section,

for the purposes of the notice, section 58 of the Education and Training Act shall continue in force (notwithstanding its repeal by this Act).

Section 59 Education and Training Act.

76. Where –

- (a) the DPH has requested a head teacher of a school to furnish a list of names and addresses of pupils under section 59 of the Education and Training Act;
- (b) the time for complying with the request has not expired; and
- (c) the request has not been complied with before the commencement of the Act,

the request shall be treated as a request under section 42 of this Act (requirement to provide details of children attending school).

Consequential amendments.

77.(1) In section 2(1) of the Education and Training Act delete the definition of “notifiable disease”.

(2) The Minister may by regulations repeal or amend any provision of any Act commenced before this Act or of any subsidiary legislation made under an Act so commenced if it appears to the Minister that the provision is inconsistent with, or has become unnecessary or requires alteration in consequence of any provision of this Act or corresponds to any provision repealed by this Act.

SCHEDULE 1

Notifiable diseases

Section 4

Acute encephalitis

Acute meningitis (viral and bacterial)

Acute poliomyelitis

Acute infectious hepatitis

Anthrax

Avian Influenza

Botulism

Brucellosis

Cholera

Creutzfeldt-Jakob Disease (CJD)

Diphtheria

Enteric fever (typhoid or paratyphoid fever)

Fatal Familial Insomnia

Food poisoning

Gerstmann-Straussler-Scheinker Syndrome

Haemolytic uraemic syndrome (HUS)

Infectious bloody diarrhoea

Invasive group A streptococcal disease and scarlet fever

Kuru

Legionnaires' Disease

Leprosy

Malaria

Measles

Meningococcal septicaemia

MERS-CoV

M-pox

Mumps

Plague

Rabies

Rubella

SARS

Smallpox

Tetanus

Tuberculosis

Typhus

Variant Creutzfeldt-Jakob Disease (vCJD)

Viral haemorrhagic fever (VHF)

Whooping cough

Yellow fever

SCHEDULE 2

Causative agents

Section 7

Acquired carbapenemase-producing Gram-negative bacteria

Bacillus anthracis

Bacillus cereus (only if associated with food poisoning)

Bordetella pertussis

Borrelia spp

Brucella spp

Burkholderia mallei

Burkholderia pseudomallei

Campylobacter spp

Chikungunya virus

Chlamyphila psittaci

Clostridium botulinum

Clostridium perfringens (only if associated with food poisoning)

Clostridium tetani

Corynebacterium diphtheriae

Corynebacterium ulcerans

Coxiella burnetiid

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

Leishmania

Leprosy (Mycobacterium leprae)

Leptospira interrogans

Listeria monocytogenes

Machupo virus

Marburg virus

Measles virus

Middle-Eastern Respiratory Syndrome coronavirus (MERS-CoV)

M-pox virus (formerly known as Monkeypox)

Mumps virus

Mycobacterium tuberculosis complex

Neisseria meningitidis

Omsk haemorrhagic fever virus

Plasmodium falciparum, vivax, ovale, malariae, knowlesi

Polio virus (wild or vaccine types)

PVL-toxin producing Staphylococcus aureus

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

Verocytotoxigenic Escherichia coli (including E.coli O157)

Vibrio cholerae

West Nile Virus

Yellow fever virus

Yersinia pestis

Zika virus

EXPLANATORY MEMORANDUM

This Bill repeals Part IV of the Public Health Act and establishes a modern legal framework for the notification, prevention and control of infectious diseases and other risks to public health in Gibraltar.

It introduces duties on medical practitioners and laboratories to notify public health authorities, confers regulation-making and emergency powers on the Minister, and enables courts to impose proportionate health measures on persons, premises and things.

The Bill also provides safeguards, enforcement mechanisms, and specific measures for healthcare settings, educational institutions, and the handling of human remains, ensuring an effective and balanced public health response.

**Printed by the Gibraltar Chronicle Printing Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price. £3.50.**