Health Protection Regulations 2010

TOOLKIT

Authors:
Ed Hele, Principal EHO, Lewes District Council
Lisa Harvey-Vince, Chartered EHP, Senior Health Protection Practitioner (Env Health),
Public Health England South East

Editors:
Ian Gray, Principal Policy Officer, Chartered Institute of Environmental Health
Dr Graham Bickler, former Centre Director, Public Health England

June 2011 (revisions made October 2015)
Under the Public Health (Control of Disease) Act 1984, as amended by the Health and Social Care Act 2008, a suite of new Health Protection Regulations came into effect in April 2010, covering notifications, local authority powers and Part 2A Orders.

The updated legislation adopts an “all hazards” approach, encompassing infection and contamination of any kind, consistent with the International Health Regulations 2005. These provisions therefore enable public authorities to respond to modern-day health hazards more effectively. It means that appropriate steps can be taken in response to previously unknown threats, as was the case with SARS and Polonium 210, as well as known infections and contamination that could result in significant harm to human health.

The Department of Health and the Health Protection Agency (now Public Health England), in consultation with the Chartered Institute of Environmental Health, has published guidance on the updated health protection legislation which provides both explanations of the regulations and example scenarios of where they may be applicable. The guidance can be found at www.dh.gov.uk/publications

The purpose of this toolkit is not to duplicate the guidance, but to provide a ‘grab and go’ suite of documents that can be used by authorised officers to deal with practical situations when they arise. It may therefore be particularly useful if it is available in circumstances of urgency and emergency.

In offering and using this advice it must be clearly understood that:

- Legislation may change over time and the advice given is based on the information available at the time this toolkit was produced – it is not necessarily comprehensive and is subject to revision in the light of further information
- Only the courts can interpret legislation with any authority, and
- This advice is not intended to be definitive guidance nor is it a substitute for the relevant law and independent legal advice should be sought where appropriate.

The toolkit has been produced through partnership working between Environmental Health at Lewes District Council, and the Surrey and Sussex Health Protection Unit of the Health Protection Agency (now Public Health England South East). The authors would like to thank Brighton and Hove City Council Environmental Health for their assistance, and all those within the former HPA and Environmental Health teams across Sussex and Surrey who contributed during the consultation phase.
## CONTENTS AND HOW TO USE THIS TOOLKIT

### YOU DO NOT NEED TO READ THE WHOLE DOCUMENT

Click on ☻ to view page

The toolkit is a ‘Grab and Go’ suite of checklists, letters and notices that can be tailored by authorised officers to use in dealing with practical situations.

- The toolkit is divided into three sections corresponding to each area of health protection legislation.
- In Sections B and C officers are directed to the relevant documents for the particular area of action.
- Each area of action starts with the algorithm abstracted from the Department of Health Guidance followed by a checklist that can be used to record case details and actions.
- For each area of action there are draft templates of relevant letters or notices that can be copied and amended as you think fit, incorporating your local authority corporate style and logo.
- You are reminded that this toolkit is intended to be used in conjunction with the legislation and the Department of Health Guidance, and that you need to ensure that your legal advisors are satisfied that your procedures, communications and documentation are correct for each situation.

### Section A

**Health Protection (Notification) Regulations 2010**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction to Section A (See DH Guidance pages 12 to 42)</td>
<td>4</td>
</tr>
<tr>
<td>Schedule 1 – List of notifiable diseases</td>
<td>5</td>
</tr>
<tr>
<td>Schedule 2 – List of causative agents</td>
<td>6</td>
</tr>
<tr>
<td>Proper officer checklist for disclosure of information to Port Health Authority/Local Authority for the Port</td>
<td>7</td>
</tr>
<tr>
<td>Algorithm A: Illustration of local communication routes between RMPs/labs, Health Protection Unit and Local Authorities</td>
<td>8</td>
</tr>
</tbody>
</table>

### Section B

**Health Protection (Local Authority Powers) Regulations 2010**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction to Section B (See DH Guidance pages 43 to 68)</td>
<td>9</td>
</tr>
<tr>
<td>Regulation 2 Keeping a child away from school</td>
<td>10 – 18</td>
</tr>
<tr>
<td>Regulation 3 Requirement to provide contact details of children attending school</td>
<td>19 – 22</td>
</tr>
<tr>
<td>Regulations 4 and 5 Disinfection or decontamination of things on request</td>
<td>23 – 25</td>
</tr>
<tr>
<td>Regulations 6 and 7 Disinfection or decontamination of premises on request</td>
<td>26 – 28</td>
</tr>
<tr>
<td>Regulation 8 Requests for co-operation for health protection purposes</td>
<td>29</td>
</tr>
<tr>
<td>Regulation 9, 10 and 11 Restriction of contact with, access to, or relocation of, dead bodies</td>
<td>30 – 35</td>
</tr>
<tr>
<td>Algorithm H and examples of downloadable materials</td>
<td>36 – 40</td>
</tr>
</tbody>
</table>

### Section C

**Health Protection (Part 2A Orders) Regulations 2010**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction to Section C (See DH Guidance pages 69 to 100)</td>
<td>41</td>
</tr>
<tr>
<td>Part 2A Orders relating to a PERSON</td>
<td>42 – 47</td>
</tr>
<tr>
<td>Part 2A Orders relating to a THING</td>
<td>48 – 53</td>
</tr>
<tr>
<td>Part 2A Orders relating to DEAD BODIES or HUMAN REMAINS</td>
<td>54 – 59</td>
</tr>
<tr>
<td>Part 2A Orders relating to a PREMISES</td>
<td>60 – 65</td>
</tr>
<tr>
<td>E-mail report to Public Health England</td>
<td>66</td>
</tr>
<tr>
<td>Witness statement form</td>
<td>67</td>
</tr>
</tbody>
</table>
Introduction

The main purpose of notification is to enable prompt investigation, risk assessment, and response to cases of infectious disease or contamination (including chemicals or radiation), that present (or could present) a significant risk to health.

The second benefit of notification is the provision of data for use in epidemiological surveillance of infections and contamination to monitor effectiveness of existing interventions, identify need for new interventions, and inform the planning of healthcare services.

There is a legal requirement for Registered Medical Practitioners (RMPs) to notify the proper officer of the Local Authority (LA) within set timescales, where they suspect a patient or dead person has:

- A notifiable disease listed in Schedule 1
- Another infection not in Schedule 1 which presents (or could present) a significant harm to human health
- Is contaminated in a manner which presents (or could present) a significant harm to human health

Where a diagnostic laboratory identifies a causative agent listed in Schedule 2 in a human sample, they must notify the Public Health England (PHE).

Proper officer role

The LA must appoint a proper officer to receive and forward information about the notifications within their area. The proper officer is responsible for disclosing such information to:

- PHE. (Note: where the proper officer is a Consultant in Communicable Disease/Consultant in Health Protection, i.e. PHE employee, then notification will be automatically effected)
- The proper officer in which the patient usually resides
- The proper officer of the Port Health Authority / Local Authority where the port is located from which the patient disembarked, if relevant (see checklist in section A)

Proper officers may exercise 'powers of entry and inspection'. Please refer to Appendix 5 of the Health Protection (England) Guidance 2010 for further details.

Authorised officers

As well as appointing a proper officer the LA must also authorise officers to exercise the powers specified in the Public Health (Control of Disease) Act 1984 and associated Regulations, through the local authorisation process. An officer of the LA must be authorised in writing to act in matters on behalf of the LA, e.g. signing documents. Powers of entry and inspection require a warrant, order, or 24 hours notice. Please refer to Appendix 5 of the Health Protection (England) Guidance 2010 for further details.
SCHEDULE 1 – List of Notifiable Diseases

Note: The highlighted text details the new additions to the list of diseases that a RMP must notify

Acute encephalitis
Acute meningitis
Acute poliomyelitis
Acute infectious hepatitis
Anthrax
Botulism
Brucellosis
Cholera
Diphtheria
Enteric fever (typhoid or paratyphoid fever)
Food poisoning
Haemolytic uraemic syndrome (HUS)
Infectious bloody diarrhoea
Invasive group A streptococcal disease and scarlet fever
Legionnaires’ Disease
Leprosy
Malaria
Measles
Meningococcal septicaemia
Mumps
Plague
Rabies
Rubella
SARS
Smallpox
Tetanus
Tuberculosis
Typhus
Viral haemorrhagic fever (VHF)
Whooping cough
Yellow fever
### SCHEDULE 2 – List of Causative Agents

Note: Many laboratories have previously reported many causative agents as part of an informal process. Since 1 October 2010, notification of causative agents has now become a legal requirement and all are highlighted with the exception of *salmonella spp* which was previously notifiable by RMPs not laboratories.

<table>
<thead>
<tr>
<th>Causative Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bacillus anthracis</td>
</tr>
<tr>
<td>Bacillus cereus (only if associated with food poisoning)</td>
</tr>
<tr>
<td>Bordetella pertussis</td>
</tr>
<tr>
<td>Borrelia spp</td>
</tr>
<tr>
<td>Brucella spp</td>
</tr>
<tr>
<td>Burkholderia mallei</td>
</tr>
<tr>
<td>Burkholderia pseudomallei</td>
</tr>
<tr>
<td>Campylobacter spp</td>
</tr>
<tr>
<td>Chikungunya virus</td>
</tr>
<tr>
<td>Chlamydia phila psittaci</td>
</tr>
<tr>
<td>Clostridium botulinum</td>
</tr>
<tr>
<td>Clostridium perfringens (only if associated with food poisoning)</td>
</tr>
<tr>
<td>Clostridium tetani</td>
</tr>
<tr>
<td>Corynebacterium diphtheriae</td>
</tr>
<tr>
<td>Corynebacterium ulcerans</td>
</tr>
<tr>
<td>Coxiella burnetii</td>
</tr>
<tr>
<td>Crimean-Congo haemorrhagic fever virus</td>
</tr>
<tr>
<td>Cryptosporidium spp</td>
</tr>
<tr>
<td>Dengue virus</td>
</tr>
<tr>
<td>Ebola virus</td>
</tr>
<tr>
<td>Entamoeba histolytica</td>
</tr>
<tr>
<td>Francisella tularensis</td>
</tr>
<tr>
<td>Giardia lamblia</td>
</tr>
<tr>
<td>Guaranito virus</td>
</tr>
<tr>
<td>Haemophilus influenzae (invasive)</td>
</tr>
<tr>
<td>Hanta virus</td>
</tr>
<tr>
<td>Hepatitis A, B, C, delta, and E viruses</td>
</tr>
<tr>
<td>Influenza virus</td>
</tr>
<tr>
<td>Junin virus</td>
</tr>
<tr>
<td>Kyasanur Forest disease virus</td>
</tr>
<tr>
<td>Lassa virus</td>
</tr>
<tr>
<td>Legionella spp</td>
</tr>
<tr>
<td>Leptospira interrogans</td>
</tr>
<tr>
<td>Listeria monocytogenes</td>
</tr>
<tr>
<td>Machupo virus</td>
</tr>
<tr>
<td>Marburg virus</td>
</tr>
<tr>
<td>Measles virus</td>
</tr>
<tr>
<td>Mumps virus</td>
</tr>
<tr>
<td>Mycobacterium tuberculosis complex</td>
</tr>
<tr>
<td>Neisseria meningitidis</td>
</tr>
<tr>
<td>Omsk haemorrhagic fever virus</td>
</tr>
<tr>
<td>Plasmodium falciparum, vivax, ovale, malariae, knowlesi</td>
</tr>
<tr>
<td>Polio virus (wild or vaccine types)</td>
</tr>
<tr>
<td>Rabies virus (classical rabies and rabies-related lyssaviruses)</td>
</tr>
<tr>
<td>Rickettsia spp</td>
</tr>
<tr>
<td>Rift Valley fever virus</td>
</tr>
<tr>
<td>Rubella virus</td>
</tr>
<tr>
<td>Sabia virus</td>
</tr>
<tr>
<td>Salmonella spp *</td>
</tr>
<tr>
<td>SARS coronavirus</td>
</tr>
<tr>
<td>Shigella spp</td>
</tr>
<tr>
<td>Streptococcus pneumoniae (invasive)</td>
</tr>
<tr>
<td>Streptococcus pyogenes (invasive)</td>
</tr>
<tr>
<td>Varicella zoster virus</td>
</tr>
<tr>
<td>Variola virus</td>
</tr>
<tr>
<td>Verocytotoxigenic Escherichia coli (including <em>E. coli</em> O157)</td>
</tr>
<tr>
<td>Vibrio cholera</td>
</tr>
<tr>
<td>West Nile Virus</td>
</tr>
<tr>
<td>Yellow fever virus</td>
</tr>
<tr>
<td>Yersinia pestis</td>
</tr>
</tbody>
</table>
Proper officer checklist for disclosure of information to Port Health Authority/Local Authority for the port.

CIEH_HPR2010_Notification_CL1.doc

<table>
<thead>
<tr>
<th>Case Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
</tr>
<tr>
<td>Forename</td>
</tr>
<tr>
<td>Date of Birth</td>
</tr>
<tr>
<td>Home address</td>
</tr>
</tbody>
</table>

| Date of RMP notification |

<table>
<thead>
<tr>
<th>Port Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port: ………………………………………………………..</td>
</tr>
<tr>
<td>Date and time of disembarkation: ...……………………………………………….</td>
</tr>
<tr>
<td>Identification details of vehicle (If flight, need - airline, flight number, and origin):</td>
</tr>
<tr>
<td>…………………………………………………………………………………………...</td>
</tr>
<tr>
<td>……………………………………………………………………………………………</td>
</tr>
<tr>
<td>……………………………………………………………………………………………</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Port Health Authority / LA</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHA / LA: …………………………………………………………………………….</td>
</tr>
<tr>
<td>Contact name: ……………………………………………………………………….</td>
</tr>
<tr>
<td>Tel: ……………………………………..</td>
</tr>
<tr>
<td>Date of forwarding information (within 3 days): …………………………………</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reason for disclosure (give details)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On board during incubation period:</td>
</tr>
<tr>
<td>Likely to have acquired infection / contamination on board:</td>
</tr>
<tr>
<td>Implications for other passengers:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proper officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: …………………………………..</td>
</tr>
<tr>
<td>Position: …………………………….</td>
</tr>
<tr>
<td>Local Authority: ………………………</td>
</tr>
</tbody>
</table>

CIEH_HPR2010_Notification_CL1.doc
Section A
Health Protection (Notification) Regulations 2010

Illustration of local communication routes between Registered Medical Practitioners/Laboratories, Health Protection Unit (HPU) and Local Authorities (LA)

Algorithm A:

RMP notifications

Proper officer

Based at HPU

Urgent
Oral as soon as possible, and written within 3 days

Non urgent
Written within 3 days

Diagnostic Laboratory notifications

Proper officer

Based at LA

Urgent
Oral as soon as possible, and written within 3 days

Non urgent
Written within 3 days

1. LA
2. Proper officer where patient usually resides (if different)
3. Proper officer of Port Health Authority or LA of patient’s port of disembarkation (if relevant)

Click on ➡ to view page

Introduction Section A (See DH Guidance pages 12 to 42) 4

Schedule 1 – List of notifiable diseases 5

Schedule 2 – List of causative agents 6

Proper officer checklist for disclosure of information to Port Health Authority/Local Authority for the Port 7

Algorithm A: Illustration of local communication routes between RMPs/labs, Health Protection Team and Local Authorities 8
Introduction

These health protection powers provide local authorities with a range of measures that can be used to prevent, protect against, control or provide a health protection response to an incident or spread of infection or contamination that presents, or could present, significant harm to human health.

Health protection powers should be used where voluntary cooperation to avert a health risk cannot be secured and where other methods of control are ineffective, unsuitable or disproportionate to the risk involved.

This section of the toolkit covers the health protection powers that can be exercised directly by authorised officers of the local authority. It provides authorised officers with concise draft templates of checklists, letters, and notices that may be of assistance to them.
Regulation 2
Requirement to keep a child away from school

Algorithm B

LA satisfies itself that a child (C)
(a) 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 school in order to remove or reduce that risk; and
(e) keeping C away from school is a proportionate response to the risk to others presented by C.

LA serves notice on C’s parent (PT) requiring PT to keep C away from school

LA must inform headteacher of service and contents of notice

PT requests LA to review notice
LA may vary notice
LA must inform PT and headteacher*

LA must review notice within 5 days
If PT fails to comply with notice
LA must inform PT and headteacher of outcome*

LA may institute criminal prosecution for fine not exceeding level 2 on the standard scale

Notice expires
LA must inform PT and headteacher
LA revokes notice

Note: PT can request further reviews and the LA may or may not review

Ref: Department of Health - Health Protection Legislation (England) Guidance 2010

*as soon as reasonably practicable
### Regulation 2

**Requirement to keep a child away from school**

#### Environmental Health Checklist

CIEH_HPR2010_Reg2_CL1.doc

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family name</td>
<td></td>
</tr>
<tr>
<td>First names</td>
<td></td>
</tr>
<tr>
<td>Date of birth</td>
<td></td>
</tr>
<tr>
<td>Home address</td>
<td></td>
</tr>
<tr>
<td>Telephone No.</td>
<td></td>
</tr>
<tr>
<td>Name of parent or guardian</td>
<td></td>
</tr>
<tr>
<td>School Details</td>
<td></td>
</tr>
<tr>
<td>Head teacher</td>
<td></td>
</tr>
<tr>
<td>Telephone No.</td>
<td></td>
</tr>
<tr>
<td>Address of School</td>
<td></td>
</tr>
</tbody>
</table>

1. **Is or may the child be infected or contaminated?**
   - Yes
   - No

2. **Could the child's attendance at school cause significant harm to the health of others because of the risk of infection or contamination?**
   - Yes
   - No

3. **Is it necessary to keep the child away from school in order to reduce or remove that risk?**
   - Yes
   - No

4. **Is keeping the child away from school a proportionate response to the risk of infection or contamination presented by that child?**
   - Yes
   - No

5. **Is the child under 18 years old?**
   - Yes
   - No

6. **Is the child in full or part time educational institution providing primary or secondary education, or a maintained nursery school?**
   - Yes
   - No

If the answer to any of the above questions 1 – 6 is **No** then you **cannot** use the Local Authority Power. If a further restriction on the child's movements or contact with others is required, then you should use the ‘request for co-operation’ power or apply to a JP for a Part 2A Order.

---

### Statutory notice

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Position:</td>
<td></td>
</tr>
<tr>
<td>Local Authority:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Statutory notice

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date served:</td>
<td></td>
</tr>
<tr>
<td>Expiry date:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to parent to accompany statutory notice

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to parent to inform of outcome of review

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to parent to permit child to return to school

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to head teacher to inform that statutory notice has been served

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to head teacher to inform of outcome of review

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to head teacher to permit child to return to school

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Reg 2 notice

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date served:</td>
<td></td>
</tr>
<tr>
<td>Expiry date:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Review

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of request:</td>
<td></td>
</tr>
<tr>
<td>Date of review:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to parent:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to head teacher:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Reg 2 notice

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date served:</td>
<td></td>
</tr>
<tr>
<td>Expiry date:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to head teacher to inform that statutory notice has been served

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to head teacher to inform of outcome of review

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Letter to head teacher to permit child to return to school

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date sent:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Review

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of request:</td>
<td></td>
</tr>
<tr>
<td>Date of review:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to parent:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to head teacher:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Review

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date served:</td>
<td></td>
</tr>
<tr>
<td>Date of review:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to parent:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to head teacher:</td>
<td></td>
</tr>
</tbody>
</table>

---

### Review

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date served:</td>
<td></td>
</tr>
<tr>
<td>Date of review:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to parent:</td>
<td></td>
</tr>
<tr>
<td>Date of review notified to head teacher:</td>
<td></td>
</tr>
</tbody>
</table>
Section B

Health Protection (Local Authority Powers) Regulations 2010

Regulation 2
Requirement to keep a child away from school

Statutory Notice
CIEH_HPR2010_Reg2_SN1.doc

Click on ➡ to view page

- Introduction Section B (See DH Guidance pages 43 to 68)
- Algorithm B
- Environmental health checklist
- Statutory notice
- Letter to parent to accompany statutory notice
- Letter to parent to inform of outcome of review
- Letter to parent to permit child to return to school
- Letter to head teacher to inform that statutory notice has been served
- Letter to head teacher to inform of outcome of review
- Letter to head teacher to permit child to return to school

Statutory Notice
CIEH_HPR2010_Reg2_SN1.doc

Dear [name of parent],

[Name of child] is required to stay away from school for [x] days, commencing from [date]. This is because [name of child] has, or may have, [either an infection or a contamination] that could present a risk of significant harm to the health of others. [Add details of infection or contamination if necessary/appropriate.] Keeping [name of child] away from school reduces or removes the risk of harm to the health of others.

This requirement to keep [name of child] off school for the stated period of time is a necessary and proportionate measure because:

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

As the [either parent or person with parental responsibility] for [name of child], it is your duty to ensure [he/she] does not attend school for the duration specified. Failure to comply with this notice is a criminal offence and you may be liable on conviction to a fine of up to level 2 on the standard scale, [equivalent to £[ ]], and a fine for continuing non-compliance.

This notice is served under regulation 2 of the Health Protection (Local Authority Powers) Regulations 2010, SI no. 2010/657

If you have any questions relating to this notice you may contact:

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Phone number</td>
<td></td>
</tr>
</tbody>
</table>

[local authority name] [date]

CIEH_HPR2010_Reg2_SN1.doc

Ref: Department of Health – Health Protection Legislation (England) Guidance 2010
Dear [name of parent],

Health Protection (Local Authority Powers) Regulations 2010
Regulation 2 – Keeping a child away from school

I write to confirm our conversation concerning your son / daughter [name of child] and the need for them to stay away from school for [X] days, commencing from [date].

I have enclosed the statutory notice which provides details of, and the reasons for, this requirement. Please read the statutory notice carefully as you may commit an offence if you fail to comply with its requirements. I have also written to the head teacher of the school to inform them of the situation.

As we discussed, I will be in regular contact to update you on the sample results and advice from the Consultant in Communicable Disease Control. But please be aware that you are able to ask for a review of the notice requirements at any time. This will need to be in writing to [name and address], giving your reasons for requesting the review. A review meeting will then be held within 5 working days and I will inform you and the head teacher, of the outcome.

If you have any questions, the details of the person to contact can be found on the statutory notice. In the meantime, thank you for your co-operation.

Yours sincerely,

[Click to download CIEH_HPR2010_Reg2_L1.doc]
### Main contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main contents</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Introduction Section B</strong></td>
<td>(See DH Guidance pages 43 to 68)</td>
</tr>
<tr>
<td><strong>Algorithm B</strong></td>
<td>10</td>
</tr>
<tr>
<td><strong>Environmental health checklist</strong></td>
<td>11</td>
</tr>
<tr>
<td><strong>Statutory notice</strong></td>
<td>12</td>
</tr>
<tr>
<td><strong>Letter to parent to accompany statutory notice</strong></td>
<td>13</td>
</tr>
<tr>
<td><strong>Letter to parent to inform of outcome of review</strong></td>
<td>14</td>
</tr>
<tr>
<td><strong>Letter to parent to permit child to return to school</strong></td>
<td>15</td>
</tr>
<tr>
<td><strong>Letter to head teacher to inform that statutory notice has been served</strong></td>
<td>16</td>
</tr>
<tr>
<td><strong>Letter to head teacher to inform of outcome of review</strong></td>
<td>17</td>
</tr>
<tr>
<td><strong>Letter to head teacher to permit child to return to school</strong></td>
<td>18</td>
</tr>
</tbody>
</table>

---

#### Regulation 2

**Requirement to keep a child away from school**

**Letter to PARENT to inform of outcome of review**

CIEH_HPR2010_Reg2_L2.doc

---

Dear [name of parent],

Health Protection (Local Authority Powers) Regulations 2010

Regulation 2 – Keeping a child away from school

Thank you for your written request to review the statutory notice requiring your son/daughter [name of child] to stay away from school.

The reasons detailed in your request were considered at the review meeting on [date], together with the latest sample results and advice from the Consultant in Communicable Disease Control. I can inform you that the outcome of this review is that [name of child]

*may now return to school with effect from [date]*

*must remain away from school for [X] days, commencing from [date]. An amended statutory notice is enclosed.*

Thank you for your co-operation.

Yours sincerely,

*Delete as appropriate*

---

CIEH_HPR2010_Reg2_L2.doc
Dear [name of parent],

Health Protection (Local Authority Powers) Regulations 2010
Regulation 2 – Keeping a child away from school

I am pleased to confirm that your son / daughter [name of child] is now clear of [infection / contamination] and may return to school with effect from [date]. I have also informed the head teacher of the school.

I realise that this may have been a worrying and difficult time for your family, and I would like to thank you for your co-operation.

Yours sincerely,

CIEH_HPR2010_Reg2_L3.doc
Dear [name of head teacher],

Health Protection (Local Authority Powers) Regulations 2010
Regulation 2 – Keeping a child away from school

I write to inform you that a statutory notice has been served on the parent(s) of [name of child] requiring that they keep [their son / daughter] away from school for [X] days, commencing from [date]. This is because [name of child] has, or may have [infection / contamination] that could present a significant harm to the health of others.

The parent(s) of [name of child] may request a review of the statutory notice at any time before it expires.

I will keep you informed of any changes to the situation should a review be requested, and also to let you know when the statutory notice has expired and therefore when [name of child] can return to school.

If you have any questions please contact me, but in the meantime thank you for your co-operation.

Yours sincerely,
**Dear [name of head teacher],**

Health Protection (Local Authority Powers) Regulations 2010
Regulation 2 – Keeping a child away from school

The parent(s) of [name of child] have requested a review of the statutory notice requiring their son / daughter to stay away from school.

The review meeting was held on [date] and I can inform you that the outcome is that [name of child]

*may now return to school with effect from [date]*

*must remain away from school for [X] days, commencing from [date].* An amended statutory notice is enclosed.

Thank you for your co-operation.

Yours sincerely,

(*Delete as appropriate)*

CIEH_HPR2010_Reg2_L5.doc
Dear [name of head teacher],

Health Protection (Local Authority Powers) Regulations 2010
Regulation 2 – Keeping a child away from school

Further to my letter [date], concerning [name of child] I am pleased to inform you that they may return to school with effect from [date].

Thank you for your co-operation.

Yours sincerely,

[Click on ➡ to view page]

Introduction Section B (See DH Guidance pages 43 to 68) 9
Algorithm B 10
Environmental health checklist 11
Statutory notice 12
Letter to parent to accompany statutory notice 13
Letter to parent to inform of outcome of review 14
Letter to parent to permit child to return to school 15
Letter to head teacher to inform that statutory notice has been served 16
Letter to head teacher to inform of outcome of review 17
Letter to head teacher to permit child to return to school 18

CIEH_HPR2010_Reg2_L6.doc
**Section B**

Health Protection (Local Authority Powers) Regulations 2010

---

**Main contents**

- Introduction Section B (See DH Guidance pages 43 to 68)
- Algorithm C
- Environmental health checklist
- Statutory notice
- Letter to head teacher to accompany statutory notice

---

**Regulation 3**

Requirement to provide details of children attending school

**Algorithm C**

LA satisfies itself that in respect of a school in its area;
(a) A person (P) who is or has recently been on the school’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 school;
(d) It is necessary for the LA to have information in order to contact those pupils with a view to ascertain whether they are or may be infected or contaminated; and
(e) Requiring the information (and contacting those pupils which may be infected or contaminated) is a proportionate response to the risk presented by P.

LA serves notice to require the headteacher to provide it with a list of the names, addresses and contact telephone numbers for all the pupils of that school, or such group of pupils attending that school as it may specify

- Headteacher fails to comply
- Headteacher provides reasonable excuse
- Headteacher does not provide reasonable excuse
  - No further action
  - LA may institute criminal prosecution for fine of up to level 4 on the standard scale

---

Ref: Department of Health - Health Protection Legislation (England) Guidance 2010

---
# Section B

## Health Protection (Local Authority Powers) Regulations 2010

---

**Regulation 3**

**Requirement to provide details of children attending school**

---

### Environmental Health Checklist

CIEH_HPR2010_Reg3_CL1.doc

---

#### School Details

<table>
<thead>
<tr>
<th>Head teacher or deputy in absence of head teacher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full address of school</td>
</tr>
<tr>
<td>Telephone No.</td>
</tr>
</tbody>
</table>

---

1. Is or may a person (any adult or child) who has recently been on the school's premises been infected or contaminated?  
   - Yes  
   - No

2. Is the infection or contamination one that presents, or could present, significant harm to human health?  
   - Yes  
   - No

3. Is there a risk that the person may have infected or contaminated pupils at the school?  
   - Yes  
   - No

4. Is the list necessary to trace children who may have had contact with the person so as to ascertain whether they are, or may be, infected or contaminated?  
   - Yes  
   - No  
   *(NOTE: Adult contact details can not be required)*

5. Is the action of requiring the list (and contacting children who may be infected or contaminated) a proportionate response to the risk?  
   - Yes  
   - No

6. Is the school an educational institution providing primary or secondary education, or a maintained nursery school?  
   - Yes  
   - No

7. Did the potential exposure occur on the school's premises or have those who may have been exposed elsewhere subsequently returned to the school premises?  
   - Yes  
   - No

---

If the answer to any of the above questions 1–7 is No then you cannot use the Local Authority Power. If school pupils may have been exposed to a health risk off the school premises and the head teacher refuses to provide the list, then you should use the 'request for co-operation' power or apply to a JP for a Part 2A Order.

---

**Name:**  
**Position:**  
**Local Authority:**  
**Date:**

---

**Reg 3 notice**

**Date served:**

---

---

---

---

---

---

---

---

---

---

---
Regulation 3
Requirement to provide details of children attending school

Statutory Notice
CIEH_HPR2010_Reg3_SN1.doc

Requirement to provide contact details of children attending school
Health Protection (Local Authority Powers) Regulations 2010 (Regulation 3)

STATUTORY NOTICE

Dear [headteacher/deputy],

A person who is, or has recently been, on the premises of your school, [name of school], has, or may have, [either an infection or a contamination] that could present a risk of significant harm to the health of [other] pupils at your school.

In order that we may ascertain whether pupils at the school have been affected, you are required to provide a list of the names, addresses and contact telephone numbers for [either all the pupils at your school or all the pupils in [name of department or class]]. The list must be provided [either by [date] or within [x] days].

You are under a statutory obligation to comply with this notice, which is served under regulation 3 of the Health Protection (Local Authority Powers) Regulations 2010 (SI 2010/657). It is a criminal offence to fail without reasonable excuse to comply with this notice, punishable on conviction by a fine of up to level 1 on the standard scale [equivalent to £].

You are required to send the list to the officer whose details are given below. This officer is also available to discuss the notice with you.

Name
Address
Phone number

Alternatively, you may email the list to us at [email address].

[local authority name]
[date]

CIEH_HPR2010_Reg3_SN1.doc
Dear [name of head teacher],

Health Protection (Local Authority Powers) Regulations 2010

Regulation 3 – Requirement to provide contact details of children attending school

I write to confirm our conversation concerning the contact details of children attending [name of school, class etc].

I have enclosed the statutory notice which provides details of, and the reasons for, this requirement. Please read the statutory notice carefully as you may commit an offence if you fail to comply with its requirements. Please be aware that this notice places you under a legal duty to disclose this information and is therefore exempt from the non-disclosure principles of the Data Protection Act.

If you have any questions, the details of the person to contact can be found on the statutory notice. In the meantime, thank you for your co-operation.

Yours sincerely,

CIEH_HPR2010_Reg3_L1.doc
Regulation 4 and 5
Disinfection or decontamination of things on request

Algorithm D

LA may disinfect or decontaminate thing where requested to do so by the owner or person with custody and control of the thing

Request made by owner of thing (Regulation 4)

Request made by person with custody and control of thing (Regulation 5)

LA reasonably satisfied that financial value of thing not reduced as consequence

Request made by owner of thing (Regulation 4)

YES

NO

LA carries out disinfection or decontamination and charges

LA may carry out disinfection or decontamination without charge

Ref: Department of Health - Health Protection Legislation (England) Guidance 2010
**Regulation 4 and 5**
Disinfection or decontamination of things on request

**Environmental Health Checklist**
CIEH_HPR2010_Reg4_5_CL1.doc

---

**Request Details**
N.B. The local authority has a discretionary power to disinfect or decontaminate. (Local authority are not obliged to act on request)

- **Family name**
- **First names**
- **Full Address**
- **Telephone No:**
- **Describe the 'thing' that is the nature of the request. (Include name, location, size, colour, weight, a photo, condition, and why it is of concern)**

**Is the person making the request?**
(Please tick √)
- **The owner**
- **The person in custody**
- **The person in control**

1. **Do you intend to recharge the person making the request?**
   - Yes
   - No

2. **If the answer to 1 is yes, before the work is carried have you obtained the written agreement of the person requesting the service to pay the charge?**
   - Yes
   - No

3. **Have you obtained a quote for carrying out the disinfection or decontamination (either directly or through a contractor)?**
   - Yes
   - No

<table>
<thead>
<tr>
<th>Cost of decontamination</th>
<th>Other LA costs incurred</th>
<th>Total cost to be invoiced</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- N.B. Local Authority cannot charge more than the cost of the works.

**Name:** .........................................................

**Position:** ..................................................

**Local Authority:** .......................................  **Date:** .............

CIEH_HPR2010_Reg4_5_CL1.doc
Section B

Health Protection (Local Authority Powers) Regulations 2010

Click on ➡ to view page

➡ Introduction Section B (See DH Guidance pages 43 to 68) 9
➡ Algorithm D 23
➡ Environmental health checklist 24
➡ Letter to owner/person with custody or control to obtain their agreement to pay costs 25

Regulation 4 and 5
Disinfection or decontamination of things on request

Letter to OWNER / PERSON WITH CUSTODY OR CONTROL to obtain their agreement to pay costs
CIEH_HPR2010_Reg4_5_L1.doc

Dear [name],

Health Protection (Local Authority Powers) Regulations 2010
Regulations 4 and 5 – Disinfection or decontamination of a thing

Thank you for your request to disinfect or decontaminate [name or description of thing].

I can inform you that the Council is willing to fulfil this request but there will be a charge for this service. Before this work is carried out I need to obtain your agreement that you will be willing to pay the charge that will be made, which will not exceed the costs incurred by the Council. Please complete the section below and return it to the address above.

Once I have received your agreement to pay a charge, I will advise you of the actual amount once quotes have been obtained, before any work commences. We can then discuss dates for carrying out the work.

I look forward to hearing from you.

Yours sincerely,

____________________________________________________________
Name:
Address:

Following my request to disinfect or decontaminate [name or description of thing], located at [address], I agree to pay the charges incurred by [Local Authority].

Signed:               Date:

CIEH_HPR2010_Reg4_5_L1.doc

➡ Main contents
Regulation 6 and 7
Disinfection or decontamination of premises on request
Algorithm E

LA may disinfect or decontaminate premises where requested to do so by the owner or tenant

Request made by owner
(Regulation 6)

Request made by tenant
(Regulation 7)

LA reasonably satisfied that financial value of premises not reduced as consequence

LA intends to make charge
(not exceeding cost incurred)

YES

NO

LA must make owner/tenant aware of intention to charge

YES

NO

If owner/tenant agrees to pay charge

If owner/tenant does not agree to pay charge

LA carries out disinfection or decontamination and charges

LA may carry out disinfection or decontamination without charge

Owner/tenant may or may not arrange disinfection or decontamination at own cost

LA will wish to consider alternative action, including use of other appropriate health protection powers

Ref: Department of Health - Health Protection Legislation (England) Guidance 2010
Regulation 6 and 7
Disinfection or decontamination of premises on request

Environmental Health Checklist
CIEH_HPR2010_Reg6_7_CL1.doc

Request Details

<table>
<thead>
<tr>
<th>Request Details</th>
<th>N.B. The local authority has a discretionary power (local authority is not obliged to act on request) to disinfect or decontaminate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family name</td>
<td></td>
</tr>
<tr>
<td>First names</td>
<td></td>
</tr>
<tr>
<td>Full address</td>
<td></td>
</tr>
<tr>
<td>Telephone No.</td>
<td></td>
</tr>
<tr>
<td>Address of premises if different from above</td>
<td></td>
</tr>
<tr>
<td>Describe the premises which is the nature of the request. (Include no: of rooms, extent of infection / contamination, etc)</td>
<td></td>
</tr>
</tbody>
</table>

Is the person making the request? (Please tick ✓)

<table>
<thead>
<tr>
<th>The owner</th>
<th>The tenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

1. Do you intend to recharge the person making the request?  Yes No

2. If the answer to 1 is yes, before the work is carried have you obtained the written agreement of the person requesting the service to pay the charge?  Yes No

3. Have you obtained a quote for carrying out the disinfection or decontamination (either directly or through a contractor)?  Yes No

Cost of decontamination Other LA costs incurred Total cost to be invoiced

• N.B. Local Authority cannot charge more than the cost of the works.

Name: ............................
Position: ...........................
Local Authority: ............................ Date ..............

CIEH_HPR2010_Reg6_7_CL1.doc
Dear [Name],

Health Protection (Local Authority Powers) Regulations 2010
Regulations 6 and 7 – Disinfection or decontamination of premises

Thank you for your request to disinfect or decontaminate [address of premises and details of specific area].

I can inform you that the Council is willing to fulfil this request but there will be a charge for this service. Before this work is carried out, I need to obtain your agreement that you will be willing to pay the charge that will be made, which will not exceed the costs incurred by the Council. Please complete the section below and return it to the address above.

Once I have received your agreement to pay a charge, I will advise you of the actual amount once quotes have been obtained, before any work commences. We can then discuss dates for carrying out the work.

I look forward to hearing from you.

Yours sincerely,

__________________________________________________________________________

Name:
Address:

Telephone No:

Following my request to disinfect or decontaminate [address of premises and details of specific area], I agree to pay the charges incurred by [Local Authority].

Signed:               Date:

CIEH_HPR2010_Reg6_7_L1.doc
Section B
Health Protection (Local Authority Powers) Regulations 2010

Click on ➡️ to view page

- Introduction Section B (See DH Guidance pages 43 to 68) ➡️ 9
- Algorithm F – General ➡️ 29
- Algorithm G – Food handler ➡️ 30
- Environmental health checklist ➡️ 31
- Notice ➡️ 32
- Consent form for food handler agreement to disclose illness to food business operator ➡️ 33
- Letter to food handler to permit return to work ➡️ 34
- Letter to food business operator to permit return to work of food handler ➡️ 35

Regulation 8
Requests for co-operation for health protection purposes

Algorithm F – General

LA determines that it needs to ask a person, or a group of people, to take, or refrain from taking, any action for the purpose of preventing, protecting against, controlling, or providing a public health response to infection or contamination that presents, or could present, a significant harm to human health

LA decides whether or not to offer compensation payment or expenses

LA serves notice on the person or group of people in question setting out the terms of their request. The notice must include contact details for an officer of the local authority who is able to discuss the request.
Section B
Health Protection (Local Authority Powers) Regulations 2010

Main contents

Regulation 8
Requests for co-operation for health protection purposes

Algorithm G – Food handler

LA determines that it is necessary for a food handler to be excluded from work and for what period

LA needs to disclose exclusion details to the food business operator. Note: Where the request is in relation to illness or suspected illness of a food handler then to meet requirements of Data Protection Act 1998 prior consent must be sought from the person to notify their employer

NO

Food handler refuses

LA requests food handler to make the disclosure

Food handler agrees

Food business operator is informed of illness or suspected illness of the food handler.

YES

Food handler agrees

LA requests food handler to sign consent form for LA to make disclosure

Consent given

Consent not given

LA considers objections and decides whether or not to make the disclosure
### Regulation 8
Requests for co-operation for health protection purposes

#### Environmental Health Checklist
CIEH_HPR2010_Reg8_CL1.doc

<table>
<thead>
<tr>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of person or group</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Telephone No.</td>
</tr>
</tbody>
</table>

**What action are you asking a person, or group of people, to take or refrain from taking?**

Provide a detailed explanation of why the request is made 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 significant harm to human health.

**Will compensation or expenses be paid as part of the request?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If yes how much will this be or how will it be calculated?

<table>
<thead>
<tr>
<th>Compensation approved by senior officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: ……………………………… Position: …………………………………….. Date …………………</td>
</tr>
</tbody>
</table>

| Name: ………… …………………………….. Position: …………………………………….. |
| Local Authority: ……………………………………. Date ………………… |

**Reg 8 notice**

| Food Handler Consent Form Date served .......... |
| Food Handler Return to Work letter Date served .......... |
| Food Business Operator Return to Work letter Date served .......... |
Section B
Health Protection (Local Authority Powers) Regulations 2010

Click on to view page

➲ Introduction Section B (See DH Guidance pages 43 to 68) 9
➲ Algorithm F – General 29
➲ Algorithm G – Food handler 30
➲ Environmental health checklist 31
➲ Notice 32
➲ Consent form for food handler agreement to disclose illness to food business operator 33
➲ Letter to food handler to permit return to work 34
➲ Letter to food business operator to permit return to work of food handler 35

Regulation 8
Requests for co-operation for health protection purposes

Notice
CIEH_HPR2010_Reg8_N1.doc

Request for co-operation for health protection purposes
Health Protection (Local Authority Powers) Regulations 2010 (Regulation 8)

Dear [name],

[name of local authority] hereby request that you:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

[to include an explanation that the request is made 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 significant harm to human health]

* [To help you comply with this request, [name of local authority] is willing to pay you £________ or expenses for __________.]

Please contact us using the details below if you have any queries regarding this notice or to arrange payment.

Name
Address
Phone

[local authority name]
[date]

(*)Delete as appropriate)

CIEH_HPR2010_Reg8_N1.doc

➲ Main contents
Section B

Health Protection (Local Authority Powers) Regulations 2010

Main contents

- Introduction Section B (See DH Guidance pages 43 to 68)
- Algorithm F – General
- Algorithm G – Food handler
- Environmental health checklist
- Notice
- Consent form for food handler agreement to disclose illness to food business operator
- Letter to food handler to permit return to work
- Letter to food business operator to permit return to work of food handler

Regulation 8

Requests for co-operation for health protection purposes

Consent Form for FOOD HANDLER agreement to disclose illness to Food Business Operator

CIEH_HPR2010_Reg8_Form1.doc

6. Disclosure of information to the Food Business Operator, following failure of consent

Insert further text here.
Section B
Health Protection (Local Authority Powers) Regulations 2010

Click on ➡ to view page

- Introduction Section B (See DH Guidance pages 43 to 68) 9
- Algorithm F – General 29
- Algorithm G – Food handler 30
- Environmental health checklist 31
- Notice 32
- Consent form for food handler agreement to disclose illness to food business operator 33
- Letter to food handler to permit return to work 34
- Letter to food business operator to permit return to work of food handler 35

Main contents

Regulation 8
Requests for co-operation for health protection purposes

Letter to FOOD HANDLER to permit return to work
CIEH_HPR2010_Reg8_L1.doc

Dear [name],

Health Protection (Local Authority Powers) Regulations 2010
Regulation 8 – Request for co-operation

Further to my notice [date], requesting your co-operation, I can now confirm that you are free to return to work as a food handler with effect from [date].

Thank you for your co-operation.

Yours sincerely,

CIEH_HPR2010_Reg8_L1.doc
Section B
Health Protection (Local Authority Powers) Regulations 2010

Click on ➡ to view page

➡ Introduction Section B (See DH Guidance pages 43 to 68) 9
➡ Algorithm F – General 29
➡ Algorithm G – Food handler 30
➡ Environmental health checklist 31
➡ Notice 32
➡ Consent form for food handler agreement to disclose illness to food business operator 33
➡ Letter to food handler to permit return to work 34
➡ Letter to food business operator to permit return to work of food handler 35

Regulation 8
Requests for co-operation for health protection purposes

Letter to FOOD BUSINESS OPERATOR to permit return to work of food handler

Dear [name],

Health Protection (Local Authority Powers) Regulations 2010
Regulation 8 – Request for co-operation

Further to the consent form [date] advising you that [name of food handler] was required to refrain from working with food, I can now confirm that s/he is now free to return to work as a food handler with effect from [date].

Thank you for your co-operation.

Yours sincerely,

CIEH_HPR2010_Reg8_L2.doc
Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Regulation 9, 10 and 11
Restriction of contact with, access to, or relocation of, dead bodies
Algorithm H

LA satisfies itself that a dead body is or may be infected or contaminated and the infection or contamination is one which presents or could present significant harm to human health and there is a risk that the dead body might infect or contaminate people.

LA decides it is necessary and proportionate to prohibit contact with the body – Regulation 9

LA decides it is necessary and proportionate to prohibit any person from entering the room in which the body is located – Regulation 10

LA decides it is necessary and proportionate to relocate the body – Regulation 11

Does Coroner have jurisdiction over the body?

YES
LA must take reasonable steps to inform M of its intention to take action

NO
LA relocates body

If any person fails to comply with notice • without consent of LA • without authority of Coroner

If M fails to cooperate with LA

LA may institute criminal prosecution for fine of up to level 3 on the standard scale

Note: LA is advised to confirm, before commencing this procedure, whether body is under jurisdiction of Coroner

Ref: Department of Health - Health Protection Legislation (England) Guidance 2010

Note: ‘M’ is person having control or charge of the premises in which the body is located
Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Click on ➡ to view page

➲ Introduction Section B
(See DH Guidance pages 43 to 68)

➲ Algorithm H

➲ Environmental health checklist

➲ Statutory notice – Unauthorised contact with a body

➲ Statutory notice – Unauthorised entry into a room

➲ Letter to individuals to grant permission for contact with a dead body, or access to the room where the dead body is located

Main contents

Regulation 9, 10 and 11
Restriction of contact with, access to, or relocation of, dead bodies

Environmental Health Checklist
CIEH_HPR2010_Reg9_10_11_CL1.doc

Click to download
Section B
Health Protection (Local Authority Powers) Regulations 2010

Regulation 9, 10 and 11
Restriction of contact with, access to, or relocation of, dead bodies

Statutory notice – Unauthorised contact with the body

Restriction of contact with dead bodies
Health Protection (Local Authority Powers) Regulations 2010 (Regulation 9)

STATUTORY NOTICE

UNAUTHORISED CONTACT WITH
[either THE BODY OF (NAME, if known) or THIS BODY (if unknown)]
IS PROHIBITED

under Regulation 9 of the Health Protection (Local Authority Powers) Regulations 2010

This Regulation is used to restrict contact with a body which is, or may be, infected or contaminated in a way that could present a risk of significant harm to human health.

Breach of this prohibition is a criminal offence. You may be liable on conviction to a fine of up to £______.

Any queries regarding this notice may be addressed to:

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Phone</td>
<td></td>
</tr>
</tbody>
</table>

[local authority name]
[date]

This notice must be conspicuously displayed near the body.
It is an offence to remove or deface this notice.

CIEH_HPR2010_Reg9_10_11_SN1.doc
Section B
Health Protection (Local Authority Powers) Regulations 2010

Regulation 9, 10 and 11
Restriction of contact with, access to, or relocation of, dead bodies

Statutory notice – Unauthorised entry into the room

Restriction of access to dead bodies
Health Protection (Local Authority Powers) Regulations 2010 (Regulation 10)

STATUTORY NOTICE

UNAUTHORISED ENTRY INTO THIS ROOM
IS PROHIBITED

under Regulation 10 of the Health Protection (Local Authority Powers) Regulations 2010

This Regulation is used to restrict access to a body which is, or may be, infected or contaminated in a way that could present a risk of significant harm to human health.

Breach of this prohibition is a criminal offence. You may be liable on conviction to a fine of up to £______.

Any queries regarding this notice may be addressed to:

Name
Address

[local authority name]
[date]

This notice must be conspicuously displayed on all entrances to the room where the body is located

It is an offence to remove or deface this notice.

CIEH_HPR2010_Reg9_10_11_SN2.doc

Main contents
Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Click on ➡ to view page

➡ Introduction Section B
(See DH Guidance pages 43 to 68) 9
➡ Algorithm H 36
➡ Environmental health checklist 37
➡ Statutory notice –
  Unauthorised contact
  with a body 38
➡ Statutory notice –
  Unauthorised entry into
  a room 39
➡ Letter to individuals to
  grant permission for
  contact with a dead
  body, or access to the
  room where the dead
  body is located 40

Regulation 9, 10 and 11
Restriction of contact with, access to, or relocation of, dead bodies

Letter to INDIVIDUALS to grant permission for contact with a dead body, or access to the room where the dead body is located

Dear [name],

Health Protection (Local Authority Powers) Regulations 2010
Regulations 9 and 10 – Permission for contact with a dead body, or access to the room where the dead body is located

[Name of local authority] hereby grant [name of individual] permission to *have contact with / have access to the room where*, the dead body of [name of deceased] located at [details of location]

The following conditions must be observed at all times:

1.
2.
3.

(Delete as appropriate*)

Yours sincerely,

CIEH_HPR2010_Reg9_10_11_L1.doc
Introduction

A local authority can apply to a Justice of the Peace (JP) for a Part 2A Order if it considers it necessary to deal with a threat to human health from infection or contamination that presents, or could present, significant harm. It is for the JP to decide whether an order is necessary. If the JP is satisfied by the local authority’s case, an order can be made under the 1984 Act.

It is not necessary to have used the “local authority powers” before applying for an order. An immediate application for a Part 2A Order could be the right step to deal with an urgent situation quickly. Where more than one local authority is involved, or it is not clear which local authority should apply for an order, local authorities are required to agree which one of them should do so.

A Part 2A Order can be made in relation to:
- a person (or persons),
- a “thing” (or things),
- a body or human remains,
- premises
- to require a person to give information about a “related party”, “related person” or “related thing”, as relevant to the particular case.

“A thing” has a wide meaning and includes animals, plant material and inanimate objects. It can also, in certain contexts, mean a body or human remains. “Premises” also has a wide meaning and includes any place, land, vehicles, train, vessel or aircraft, and any tent or movable structure. It can also refer to an offshore installation.

A Part 2A Order can be expressed in conditional terms, that is, that the action is only to be taken if certain things happen, or fail to happen. Similarly an order might refer to consequential stages. For example, it may state that certain articles are to be decontaminated, but in the event that this fails to deal with the risk then the articles are to be destroyed.

A Part 2A Order should contain a power of entry if this is needed to effect the order. A JP can order the same entry powers and ancillary powers under a Part 2A Order as they can under a warrant under section 61 of the 1984 Act. If the local authority believes this is necessary, this should be made explicit in its application for an order. The person authorised to enter by the Part 2A Order may be, but does not have to be, a proper officer.

A JP can require payment of compensation or expenses in connection with the measures specified in a Part 2A Order. For example, a local authority could be required to pay compensation to a person who incurs financial loss as a result of an order.

However, the JP cannot assign liability for the costs of carrying out the measures in the Part 2A Order. (Note that this does not affect the JP’s ability to apportion the costs of the proceedings.) In some cases, where the local authority needs to take action as a result of a Part 2A Order, the authority may make a charge. Where necessary, an order can apply to more than one person, thing or premises, or to a group of people, things, or premises.

There is no need for multiple orders. A Part 2A Order must specify the period for which it is to apply. The maximum period of effect of any order relating to a person is 28 days from the date of the order. If the problem has not been resolved when the order expires the JP can extend the period of the order, again limited to a maximum of 28 days if the order relates to a person.

Whenever an application is made for a Part 2A Order (person, thing, body or premises) the local authority must provide a written report to the PHE as soon as practicable, and within 10 days of the application being granted, dismissed, withdrawn, varied, or revoked.
Section C
Health Protection (Part 2A Orders) Regulations 2010

Main contents

Click on  to view page

➲ Introduction Section C
(See DH Guidance pages 69 to 100) 41
➲ Algorithm I 42
➲ Environmental health checklist 43
➲ Letter to person/parent/decision-maker to accompany notice of intention 44
➲ Notice of intention and accompanying notes 45
➲ Letter to person/parent/decision-maker to inform of outcome of application for/to vary/to revoke Part 2A Order 46
➲ Part 2A Order (a Person) and accompanying notes 47

Part 2A Orders
relating to a PERSON

Algorithm I

LA must make reasonable enquiries as to the existence and location of persons identified in Regulation 3(4)

LA must give notice of their application to persons identified in Regulation 3(4) except where
• person is likely to abscond or undermine the Order - see Regulation 3(8), or where
• in the case of a child, exceptional circumstances exist which mean that notifying a person with parental responsibility would not be in the child’s best interests - see Regulation 3(9)

LA makes application to JP

JP may make Part 2A Order:
• if satisfied that requirements of Section 45G(1) are met, Order may impose restrictions or requirements on or in relation to the person for a maximum period of 28 days
• if satisfied that requirements of Section 45G(3) are met, Order may require person to provide information

Note: Evidence required is set out in Regulation 4
Note: Special considerations can be taken into account where person is under 18 years of age - Section 45(G)(6)

LA must, as soon as reasonably practicable, take reasonable steps to ensure person understands order and its effect - see Regulation 8

If any person fails without reasonable excuse to comply with restriction or requirement, or wilfully obstructs anyone acting in accordance with the Order – Section 45O(1)

LA must have regard to impact of Order on welfare of person and dependants where person is to be detained in hospital or kept in isolation or quarantine - see Regulation 9

LA may institute criminal prosecution for fine not exceeding £20,000 – Section 45O(1) and (2). If appropriate, Court may order person convicted to take or pay for the remedial action specified in the Order – Section 45O(3)

LA or “affected person” may apply to JP for variation or revocation. Note: Affected persons listed in Section 45M(6) and Regulation 6(2)
Note: Period of any extension or variation of restriction or requirements must not exceed 28 days

Ref: Department of Health - Health Protection Legislation (England) Guidance 2010
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders
relating to a PERSON

Environmental Health Checklist
CIEH_HPR2010_Pt2A_Orders_Person_CL1v2.doc

Click on to view page

Introduction Section C (See DH Guidance pages 69 to 100) 41
Algorithm I 42
Environmental health checklist 43
Letter to person/parent/decision-maker to accompany notice of intention 44
Notice of intention and accompanying notes 45
Letter to person/parent/decision-maker to inform of outcome of application for/to vary/to revoke Part 2A Order 46
Part 2A Order (a Person) and accompanying notes 47

Main contents
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders
relating to a PERSON

Letter to PERSON/PARENT/DECISION MAKER
to accompany Notice of Intention

CIEH_HPR2010_Pt2A_Orders_Person_L1.doc

Click on to view page

➲ Introduction Section C
(See DH Guidance pages 69 to 100) 41
➲ Algorithm I 42
➲ Environmental health checklist 43
➲ Letter to person/parent/decision-maker to accompany notice of intention 44
➲ Notice of intention and accompanying notes 45
➲ Letter to person/parent/decision-maker to inform of outcome of application for/to vary/to revoke Part 2A Order 46
➲ Part 2A Order (a Person) and accompanying notes 47

Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)
Health Protection (Part 2A Orders) Regulations 2010
Regulations 3 – Intention to apply for / vary / revoke a Part 2A Order

Please find enclosed notification of the Council’s intention to apply for / vary / revoke a Part 2A Order under section 45 of the Public Health (Control of Disease) Act 1984.

The notification concerns [name of person / group of people], and will be made to a Justice of the Peace at [name of magistrates court and address], on [date and time].

You are being given notice of this intention so that you may attend the hearing, arrange legal representation should you wish to, and prepare any response to the application. Further information is given in the enclosed notes. Please be aware that these hearings may be held in open court although you or the Council can make an application for it to be held in private, however this is at the discretion of the Justice of the Peace.

Please read the notice of intention and notes carefully, but should you have any questions concerning this application please contact me.

Yours sincerely,

(*Delete as appropriate)

CIEH_HPR2010_Pt2A_Orders_Person_L1.doc
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PERSON

Notice of Intention and accompanying notes
CIEH_HPR2010_Pt2A_Orders_Person_N1.doc

1. NOTICE OF INTENTION TO APPLY FOR / VARY / REVOKE A PART 2A ORDER UNDER SECTION 45(G) OF PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (as amended)

The Health Protection (Part 2A Orders) Regulations 2010

1. To: 

2. I give notice that I shall be applying to a Justice of the Peace at 

3. The Justice of the Peace will consider the evidence from the local authority as to why they believe there is a need to issue a Part 2A Order for the protection of human health. You may choose to be represented by a lawyer.

4. If a Part 2A Order is made, you must comply with the requirements as described below:

5. The Order will be served on you by the local authority and will come into immediate effect.

6. If as a result of complying with an Order you will incur financial loss then the Justice of the Peace may order the payment of compensation or expenses.

7. The making of an Order does not mean that you are guilty of an offence. However, if you fail, without reasonable excuse to comply with the requirements set out in sections 2 to 4 of the Order, then it may be necessary to make an Order to ensure compliance. You may be liable for any additional costs incurred as a result of any remedial action required.

8. If as a result of an Order you are detained, placed in isolation or quarantined the local authority will have regard for your welfare and the welfare of your direct dependants.

9. If you fail to comply with the requirements as stated in sections 4 of the Order and the local authority believes that there is a significant risk of significant harm to human health, and that the infection or contamination is one which presents or could present a risk to others, then you may be liable for a fine not exceeding £20,000.

10. If as a result of an Order you are detained, placed in isolation or quarantined the local authority can institute legal proceedings against you.

For an Order to gain access to [specific area and / or address] because [reason].

For an Order / variation / revocation under Section 45(G)(4) of Public Health (Control of Diseases) Act 1984 because I am of the opinion that [name of person / group of people] is or may be infected or contaminated with [disease or type of contamination] and it is necessary to make an order to ensure or reduce the risk.

For an Order / variation / revocation under Section 45(G)(2) of Public Health (Control of Diseases) Act 1984 because I am of the opinion that [name of person / group of people] is or may be infected or contaminated with [disease or type of contamination], and there is a risk that a related party might infect or contaminate others, and it is necessary to make an order to ensure or reduce the risk.

For an Order / variation / revocation under Section 45(G)(1) of Public Health (Control of Diseases) Act 1984 because I am of the opinion that [name of person / group of people] is or may be infected or contaminated with [disease or type of contamination], and there is a risk that the infection or contamination is one which presents or could present a risk to others, and it is necessary to make an order to ensure or reduce the risk.

For an Order / variation / revocation under Section 45(G)(3) of Public Health (Control of Diseases) Act 1984 because I am of the opinion that [name of person / group of people] is or may be infected or contaminated with [disease or type of contamination], and there is a risk that a related party might infect or contaminate others, and it is necessary to make an order to ensure or reduce the risk.

For an Order / variation / revocation under Section 45(G)(3) of Public Health (Control of Diseases) Act 1984 because I am of the opinion that [name of person / group of people] is or may be infected or contaminated with [disease or type of contamination], and there is a risk that the infection or contamination is one which presents or could present a risk to others, and it is necessary to make an order to ensure or reduce the risk.

Notes

1. This notice allows you that the local authority is satisfied that there is a significant risk of harm to human health and that it is necessary to apply for a Section 4 Order for the protection of human health. You may choose to be represented by a lawyer.

2. If the Order of the Peace is made, you must comply with the requirements set out in sections 2 to 4 of the Order.

3. If you fail, without reasonable excuse to comply with the requirements set out in sections 2 to 4 of the Order, then it may be necessary to make an Order to ensure compliance. You may be liable for any additional costs incurred as a result of any remedial action required.

4. If as a result of an Order you are detained, placed in isolation or quarantined the local authority will have regard for your welfare and the welfare of your direct dependants.

5. If you fail to comply with the requirements as stated in sections 4 of the Order and the local authority believes that there is a significant risk of significant harm to human health, and that the infection or contamination is one which presents or could present a risk to others, then you may be liable for a fine not exceeding £20,000.

6. If as a result of an Order you are detained, placed in isolation or quarantined the local authority can institute legal proceedings against you.

7. If you fail to comply with the requirements as stated in sections 4 of the Order and the local authority believes that there is a significant risk of significant harm to human health, and that the infection or contamination is one which presents or could present a risk to others, then you may be liable for a fine not exceeding £20,000.

8. If as a result of an Order you are detained, placed in isolation or quarantined the local authority can institute legal proceedings against you.

9. If you fail to comply with the requirements as stated in sections 4 of the Order and the local authority believes that there is a significant risk of significant harm to human health, and that the infection or contamination is one which presents or could present a risk to others, then you may be liable for a fine not exceeding £20,000.

10. If as a result of an Order you are detained, placed in isolation or quarantined the local authority can institute legal proceedings against you.

Main contents

Click on to view page

➲ Introduction Section C (See DH Guidance pages 69 to 100) 41
➲ Algorithm I 42
➲ Environmental health checklist 43
➲ Letter to person/parent/decision-maker to accompany notice of intention 44
➲ Notice of intention and accompanying notes 45
➲ Letter to person/parent/decision-maker to inform of outcome of application for/to vary/to revoke Part 2A Order 46
➲ Part 2A Order (a Person) and accompanying notes 47

Click to download
Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)
Health Protection (Part 2A Orders) Regulations 2010
Regulations 3 – Outcome of application for/to vary/to revoke a Part 2A Order

I write to advise you of the outcome of the application for/to vary/to revoke a Part 2A Order heard at [magistrates court, address] on [date, time], concerning [name of person/group of people].

Please find enclosed a copy of the Part 2A Order. The Order requires you to [description of restriction or requirement] with immediate effect until [date]. This is because [reason]. Please read the Order carefully as it is an offence if you fail to comply with its requirements. Further information relating to the Order can be found on the attached notes.

Please be aware that you are able to apply for the Order to be varied or revoked. This application must be in writing to the Justice of the Peace at [magistrates court address], clearly stating your reasons.

Where you are detained, placed in isolation or quarantine, the local authority has a duty to have regard to the impact of this Order on your welfare or any direct dependants that you have. If you consider that there is a significant impact then please contact me, so that I can direct you to any locally available support services that may be able to assist you.

If you have any questions or need to clarify anything then please contact me, as it is important that you fully understand the requirements of the Order and that you are able to comply fully with its requirements.

Yours sincerely,

(*Delete as appropriate)
Part 2A Orders
relating to a PERSON

Part 2A Order and accompanying notes
CIEH_HPR2010_Pt2A_Order_a_Person_v2.doc

CIEH HPR2010 Pt2A Order a Person v2.doc

Notes

1. This Order informs you that there is a need to protect human health and a Part 2A Order has been granted. In order to remove the risk to human health you must comply with the requirements as stated under sections 2 - 4 of the Notice.

2. In granting the Order the court has considered the evidence given by the authority and additional witnesses.

3. The Order will commence immediately from the date detailed on page 1 of the Order. The Order will remain in place until there is no longer a risk to human health but will not exceed 28 days. If after 28 days there is still a need to protect human health a further application will be made to the court. The Authority can apply at any time for a variation or to revoke a Part 2A Order.

4. You can apply to the Justice of the Peace for a variation or revocation of the Order. All applications must be made in writing and clearly state your reasons for requesting a variation/revocation.

5. The making of an Order does not mean that you are guilty of an offence but failure to comply with the conditions detailed under sections 2 - 4 of the Part 2A Order may make you guilty of an offence for which you may be liable for prosecution and you may be liable for a fine not exceeding £20,000.

6. If you obstruct the authority in any way or in failing to comply with the Order you may be liable to any costs incurred as a result of any remedial action required.

7. If you fail to comply with the conditions as detailed in sections 2 - 4 of the Order and the Authority has to take action to secure compliance or to protect public health you may be liable to any costs incurred by the authority. These costs will not exceed the costs incurred. Costs will not be imposed in cases where litigation remains.

8. If as a result of an Order you incur financial loss you may liable to claim compensation from the Authority. Compensation cannot be claimed for costs incurred for measures required under section 4 of the Order.

9. The Authority will have regard for your welfare and the welfare of your dependants if as a result of an Order you are detained, placed in isolation or quarantined.
### Section C

**Health Protection (Part 2A Orders) Regulations 2010**

<table>
<thead>
<tr>
<th>Click on ➡️ to view page</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>➡️ Introduction Section C (See DH Guidance pages 69 to 100)</td>
<td>41</td>
</tr>
<tr>
<td>➡️ Algorithm J</td>
<td>48</td>
</tr>
<tr>
<td>➡️ Environmental health checklist</td>
<td>49</td>
</tr>
<tr>
<td>➡️ Letter to owner/person with custody or control to accompany notice of intention</td>
<td>50</td>
</tr>
<tr>
<td>➡️ Notice of intention and accompanying notes</td>
<td>51</td>
</tr>
<tr>
<td>➡️ Letter to owner/person with custody or control to inform of outcome of application for/to vary/to revoke Part 2A Order</td>
<td>52</td>
</tr>
<tr>
<td>➡️ Part 2A Order (a Thing) and accompanying notes</td>
<td>53</td>
</tr>
</tbody>
</table>

### Part 2A Orders relating to a THING

**Algorithm J**

- LA must make reasonable enquiries as to the existence and location of persons identified in Regulation 3(2)
- LA must give notice of their application to persons identified in Regulation 3(3)
- LA makes application to JP

**JP may make Part 2A Order**
- if satisfied that requirements of Section 45H(1) are met, Order may impose restrictions or requirements in relation to the thing set out in Section 45H(2)
- if satisfied that requirements of Section 45H(3) are met, Order may require owner or person who has custody or control of the thing to provide information about the thing and any related person or whereabouts of the thing set out in Section 45H(4)

**If any person fails without reasonable excuse to comply with restriction or requirement, or wilfully obstructs anyone acting in accordance with the Order – Section 45O(1)**

**LA may charge owner or person with custody or control of the thing subject to the Part 2A Order – see Regulation 7**

**Note: Charge must be reasonable and not exceed actual costs, including staff costs.**

**LA may institute criminal prosecution for fine not exceeding £20,000 – Section 45O(1) and (2). If appropriate, Court may order person convicted to take or pay for the remedial action specified in the Order – Section 45O(3)**

**LA or “affected person” may apply to JP for variation or revocation. Note: Affected persons listed in Section 45M(7) and Regulation 6(2)**

Ref: Department of Health - Health Protection Legislation (England) Guidance 2010
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a THING

Environmental Health Checklist
CIEH_HPR2010_Pt2A_Orders_Thing_CL1v2.doc

Click on ➡️ to view page

➲ Introduction Section C (See DH Guidance pages 69 to 100) ➡️
➲ Algorithm J ➡️
➲ Environmental health checklist ➡️
➲ Letter to owner/person with custody or control to accompany notice of intention ➡️
➲ Notice of intention and accompanying notes ➡️
➲ Letter to owner/person with custody or control to inform of outcome of application for/to vary/to revoke Part 2A Order ➡️
➲ Part 2A Order (a Thing) and accompanying notes ➡️

➲ Main contents
Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)
Health Protection (Part 2A Orders) Regulations 2010
Regulations 3 – Intention to apply for / vary / revoke a Part 2A Order

Please find enclosed notification of the Council’s intention to apply for / vary / revoke a Part 2A Order under section 45 of the Public Health (Control of Disease) Act 1984.

The notification concerns [name or description of thing], and will be made to a Justice of the Peace at [name of magistrates court and address], on [date and time].

You are being giving notice of this intention so that you may attend the hearing, arrange legal representation should you wish to, and prepare any response to the application. Further information is given in the enclosed notes. Please be aware that these hearings may be held in open court although you or the Council can make an application for it to be held in private, however this is at the discretion of the Justice of the Peace.

Please read the notice of intention and notes carefully, but should you have any questions concerning this application please contact me.

Yours sincerely,

(*Delete as appropriate)
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a THING

Notice of Intention and accompanying notes
CIEH_HPR2010_Pt2A_Orders_Thing_N1.doc

NOTICE OF INTENTION TO APPLY FOR / VARY / REVOC A 2A ORDER UNDER SECTION 42/V(H)/(4) OF PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (as amended)

The Health Protection (Part 2A Orders) Regulations 2010

1. To

2. I, [Authorised office / Name of person], authorised to act on behalf of [Owner or person with custody or control of a thing]...

3. For an Order of the Public Health (Control of Disease) Act 1984 because I am of the opinion that [the thing]...

4. If a Part 2A order is made, you must comply with the requirements of the order as described below:

5. Your failure to comply with the requirements of the order could result in you committing an offence and the local authority can instigate legal proceedings against you.

6. If you fail to comply with the requirements of the order you may be liable for a fine not exceeding £20,000.

7. The making of an Order does not mean that you are guilty of an offence. However, if you obstruct the local authority in any way and fail to comply with the Order you may commit an offence.

8. If you obstruct the local authority in any way and fail to comply with the Order you may commit an offence and the local authority can instigate legal proceedings against you.

9. If you obstruct the local authority in any way and fail to comply with the Order you may commit an offence and the local authority can instigate legal proceedings against you.

10. If you obstruct the local authority in any way and fail to comply with the Order you may commit an offence and the local authority can instigate legal proceedings against you.

Notes

1. This notice informs you that the local authority is satisfied that there is a significant risk of harm to human health and it intends to apply for an Order.

2. The notice informs you that the local authority intends to apply to a Justice of the Peace for an Order.

3. If the Justice of the Peace is convinced by the evidence, an Order will be made stating what action you must take to comply with the Order.

4. If the Justice of the Peace is satisfied that there is a significant risk of harm to human health, an Order will be made stating what action you must take to comply with the Order.

5. If the Justice of the Peace is satisfied that there is a significant risk of harm to human health, an Order will be made stating what action you must take to comply with the Order.

6. If the Justice of the Peace is satisfied that there is a significant risk of harm to human health, an Order will be made stating what action you must take to comply with the Order.

7. If the Justice of the Peace is satisfied that there is a significant risk of harm to human health, an Order will be made stating what action you must take to comply with the Order.

8. If the Justice of the Peace is satisfied that there is a significant risk of harm to human health, an Order will be made stating what action you must take to comply with the Order.

9. If the Justice of the Peace is satisfied that there is a significant risk of harm to human health, an Order will be made stating what action you must take to comply with the Order.

10. If the Justice of the Peace is satisfied that there is a significant risk of harm to human health, an Order will be made stating what action you must take to comply with the Order.

Main contents

- Introduction Section C
- Algorithm J
- Environmental health checklist
- Letter to owner/person with custody or control to accompany notice of intention
- Notice of intention and accompanying notes
- Letter to owner/person with custody or control to inform of outcome of application for/to vary/to revoke Part 2A Order
- Part 2A Order (a Thing) and accompanying notes
Letter to owner/person with custody or control to inform of outcome of application for/to vary/to revoke Part 2A Order

CIEH_HPR2010_Pt2A_Orders_Thing_L2.doc

---

Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)
Health Protection (Part 2A Orders) Regulations 2010

Regulations 3 – Outcome of application for/to vary/to revoke a Part 2A Order

I write to advise you of the outcome of the application for/to vary/to revoke a Part 2A Order heard at [magistrates court, address] on [date, time], concerning [name or description of thing]. This is because [reason]. Please read the Order carefully as it is an offence if you fail to comply with its requirements. Further information relating to the Order can be found on the attached notes.

Please be aware that you are able to apply for the Order to be varied or revoked. This application must be in writing to the Justice of the Peace at [magistrates court address], clearly stating your reasons.

If you are unable or refuse to carry out the requirements of the Order, then the local authority may consider it necessary to carry out the action instead. In such circumstances a charge will be levied against you, and will include the actual and staff costs.

If you have any questions or need to clarify anything then please contact me, as it is important that you fully understand the requirements of the Order and that you are able to comply fully with its requirements.

Yours sincerely,

[Signature]

(*Delete as appropriate)
Part 2A Orders
relating to a THING

Part 2A Order and accompanying notes
CIEH_HPR2010_Pt2A_Order_a_Thing_v2.doc

Main contents

Introduction Section C
(See DH Guidance pages 69 to 100)

Algorithm J

Environmental health checklist

Letter to owner/person with custody or control to accompany notice of intention

Notice of intention and accompanying notes

Letter to owner/person with custody or control to inform of outcome of application for/to vary/to revoke Part 2A Order

Part 2A Order (a Thing) and accompanying notes

CIEH_HPR2010_Pt2A_Order_a_Thing_v2.doc

Notes

1. This Order informs you that a there is a need to protect human health and a Part 2A Order has been granted. In order to remove the risk to human health you must comply with the requirements as stated under sections 2 - 4 of the Notice.

2. In granting the Order the court has considered the evidence given by the authority and additional witnesses.

3. The Order will commence immediately from the date detailed on page 1 of the Order. The Order will remain in place until there is no longer a risk to human health but will not exceed the specified period. If after the specified period there is still a need to protect human health the authority will seek a further application to the court. The Authority can apply at any time for a variation or a revocation of Part 2A Order.

4. You can apply to the Justice of the Peace for a variation or revocation of the Order. All applications must be made in writing and clearly state your reasons for requesting a variation/revocation.

5. The making of an Order does not mean that you are guilty of an offence but failure to comply with the conditions detailed under sections 2 - 4 of the Part 2A Order may make you guilty of an offence which you may be liable for prosecution and you may be liable for a fine not exceeding £20,000.

6. If you obstruct the authority in any way or in failing to comply with the Order you cause further risks to public health, you may be liable for any additional costs incurred in a result of any remedial action required.

7. If you fail to comply with the conditions as detailed in sections 2 - 4 of the Order and the Authority has to take action to secure compliance to order to protect public health you may be liable to any costs incurred by the authority. These costs will not exceed the costs incurred. Costs will not be imposed in relation to dead bodies or remains.

8. If as a result of an Order you incur financial loss you may liable to claim compensation from the Authority. Compensation cannot be claimed for costs incurred for measures required under section 4 of the Order.

9. The Authority will have regard for your welfare and your dependant’s welfare if as a result of an Order you are detained, placed in isolation or quarantined.
Part 2A Orders
relating to DEAD BODIES or HUMAN REMAINS

Algorithm K

LA must make reasonable enquiries as to the existence and location of 'next of kin' as defined in Regulation 3(10)

LA must give notice of their application to persons identified in Regulation 3(3)

LA makes application to JP

JP may make Part 2A Order:
- if satisfied that requirements of Section 45H(1) are met, Order may require burial or cremation
- if satisfied that requirements of Section 45H(3) are met, Order may require owner or person who has custody or control of the body to provide information about the body and any related person or whereabouts of the body set out in 45H(4)

If any person fails without reasonable excuse to comply with restriction or requirement, or wilfully obstructs anyone acting in accordance with the Order – Section 45O(1)

LA or “affected person” may apply to JP for variation or revocation. Note: “Affected persons” listed in Section 45M(7) and Regulation 6(3)

LA may institute criminal prosecution for fine not exceeding £20,000 – Section 45O(1) and (2). If appropriate, Court may order person convicted to take or pay for the remedial action specified in the Order – Section 45O(3)

Note: LA cannot impose any charge

LA must give notice of their application to persons identified in Regulation 3(3)

LA makes application to JP

JP may make Part 2A Order:
- if satisfied that requirements of Section 45H(1) are met, Order may require burial or cremation
- if satisfied that requirements of Section 45H(3) are met, Order may require owner or person who has custody or control of the body to provide information about the body and any related person or whereabouts of the body set out in 45H(4)

If any person fails without reasonable excuse to comply with restriction or requirement, or wilfully obstructs anyone acting in accordance with the Order – Section 45O(1)

LA or “affected person” may apply to JP for variation or revocation. Note: “Affected persons” listed in Section 45M(7) and Regulation 6(3)

LA may institute criminal prosecution for fine not exceeding £20,000 – Section 45O(1) and (2). If appropriate, Court may order person convicted to take or pay for the remedial action specified in the Order – Section 45O(3)

Note: LA cannot impose any charge
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders
relating to DEAD BODIES or HUMAN REMAINS

Environmental Health Checklist
CIEH_HPR2010_Pt2A_Orders_DB_HR_CL1v2.doc

Click on ➡ to view page

➲ Introduction Section C
(See DH Guidance pages 69 to 100)

➲ Algorithm K

➲ Environmental health checklist

➲ Letter to next of kin to accompany notice of intention

➲ Notice of intention and accompanying notes

➲ Letter to next of kin to inform of outcome of application for/to vary/to revoke Part 2A Order

➲ Part 2A Order (Dead Bodies or Human Remains) and accompanying notes

➲ Main contents
Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)  
Health Protection (Part 2A Orders) Regulations 2010  
Regulations 3 – Intention to apply *for / vary / revoke a Part 2A Order

Please find enclosed notification of the Council’s intention to *apply for / vary / revoke a Part 2A Order under section 45 of the Public health (Control of Disease) Act 1984.

The notification concerns [name of dead body or description of human remains], and will made to a Justice of the Peace at [name of magistrates court and address], on [date and time].

You are being giving notice of this intention so that you may attend the hearing, arrange legal representation should you wish to, and prepare any response to the application. Further information is given in the enclosed notes. Please be aware that these hearings may be held in open court although you or the Council can make an application for it to be held in private, however this is at the discretion of the Justice of the Peace.

Please read the notice of intention and notes carefully, but should you have any questions concerning this application please contact me.

Yours sincerely,

(*Delete as appropriate)
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to DEAD BODIES or HUMAN REMAINS

Notice of Intention and accompanying notes

1. To:

At:

1. To:

At:

1. To:

At:

1. To:

At:

1. To:

At:

1. To:

At:

1. To:

At:

Please note: the methods of contact may vary within the information provided above. For more detailed information, you may want to seek legal advice.

Notes

1. This notice informs you that the local authority is satisfied that there is a significant risk of harm to human health and that it intends to apply for a Part 2A Order under Section 45(H)(4) of the Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
   - and it is necessary to make an order to remove or reduce that risk.

   For an *Order / variation / revocation under Section 45(H)(4) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

   - The body or human remains are likely to spread or cause infection or contamination which presents or could present a significant risk to human health,
Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)
Health Protection (Part 2A Orders) Regulations 2010
Regulations 3 – Outcome of application for / to vary / to revoke a Part 2A Order

I write to advise you of the outcome of the application for / to vary / to revoke a Part 2A Order heard at [magistrates court, address] on [date, time], concerning [name of dead body or description of human remains].

Please find enclosed a copy of the Part 2A Order. The Order requires you to [description of restriction or requirement] with immediate effect until [date]. This is because [reason]. Please read the Order carefully as it is an offence if you fail to comply with its requirements. Further information relating to the Order can be found on the attached notes.

Please be aware that you are able to apply for the Order to be varied or revoked. This application must be in writing to the Justice of the Peace at [magistrates court, address], clearly stating your reasons.

If you have any questions or need to clarify anything then please contact me, as it is important that you fully understand the requirements of the Order and that you are able to comply fully with its requirements.

Yours sincerely,

(*Delete as appropriate)
Part 2A Orders relating to DEAD BODIES or HUMAN REMAINS

Part 2A Order and accompanying notes
CIEH_HPR2010_Pt2A_Order_DB_Human_Remains_v2.doc

Click to download

NAME

MAGISTRATES COURT

The Health Protection (Part 2A Orders) Regulations 2010

PART 2A ORDER (Dead Bodies or Human Remains)

1. To: [Name of Person]  
At: [Address of person above]

2. Upon hearing the application of [Officer name and designation] [Name of Local Authority] and the supporting evidence of [Name of person giving evidence and designation].
   a) I am satisfied that the requirement of section 45[H] [2, 4] of the Public Health (Control of Disease) Act 1984 are made out and that an order is necessary.
   And/Or
   b) That the Order is required to gain access to [Specific Area and/or Address]

   Notes

3. Under point 2(b) the person/persons authorised to gain access is/are: [Name/Job Titles of persons authorised]

4. In order to comply with the Part 2A Order you must: [Requirements]

5. Name

JUSTICE OF THE PEACE

Date [Date of Hearing]

This Order is valid for a period of [Insert specified period] from the date of hearing.

Notes

1. This Order informs you that there is a need to protect human health and a Part 2A Order has been granted. In order to remove the risk to human health you must comply with the requirements as stated under sections 2 - 4 of the Notice.

2. In granting the Order the court has considered the evidence given by the authority and additional witnesses.

3. The Order will commence immediately from the date detailed on page 1 of the Order. The Order will remain in place until there is no longer a risk to human health but not exceed the specified period.

4. You can apply to the Justice of the Peace for a variation or revocation of the Order. All applications must be made in writing and state your reasons for requesting a variation/revocation.

5. Failing to comply with the conditions detailed in sections 2 - 4 of the Order may make you guilty of an offence which you may be liable to prosecution and you may be liable for any costs incurred (excluding £20,000).

6. If you obstruct the authority in any way or in failing to comply with the Order you may be liable for any additional costs incurred as a result of any remedial action required.

7. The Authority has the ability to secure compliance in order to protect public health. You may be liable for any costs incurred by the Authority. These costs will not exceed £20,000. Costs will not be imposed in respect of dead bodies or remains.

8. If as a result of an Order you incur financial loss you may be liable to claims compensation from the Authority. Compensation cannot be claimed for costs incurred for measures required under section 4 of the Order.

9. The Authority will have regard for your welfare and your dependants’ welfare if as a result of an Order you are detained, placed in isolation or quarantined.
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PREMISES

Algorithm L

LA must make reasonable enquiries as to the existence and location of persons identified in Regulation 3(7)

LA must give notice of their application to persons in accordance with Regulation 3(3)

LA makes application to JP

JP may make Part 2A Order
- if satisfied that requirements of Section 45I(1) are met, Order may impose restrictions or requirements in relation to the premises set out in Section 45I(2)
- if satisfied that requirements of Section 45I(3) are met, Order may require owner/occupier to provide information about the premises and any related person or thing set out in Section 45I(4)

If any person fails without reasonable excuse to comply with restriction or requirement, or wilfully obstructs anyone acting in accordance with the Order – Section 450(1)

LA may charge owner or occupier of premises, for the cost of measures undertaken, subject to the Part 2A Order – see Regulation 7
Note: Charge must be reasonable and must not exceed actual costs, including staff costs.

LA may institute criminal prosecution for fine not exceeding £20,000 – Section 450(1) and (2)
If appropriate, Court may order person convicted to take or pay for the remedial action specified in the Order – Section 450(3)

LA or “affected person” may apply to JP for variation or revocation. Note: “Affected persons” listed in Section 45M(8) and Regulation 6(2)
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PREMISES

Environmental Health Checklist
CIEH_HPR2010_Pt2A_Orders_Premises_CL1v2.doc

Click to download

Main contents
➲ Introduction Section C (See DH Guidance pages 69 to 100)
➲ Algorithm L
➲ Environmental health checklist
➲ Letter to owner/occupier to accompany notice of intention
➲ Notice of intention and accompanying notes
➲ Letter to owner/occupier to inform of outcome of application for/to vary/to revoke Part 2A Order
➲ Part 2A Order (Premises) and accompanying notes

Environmental Health Checklist
Part 2A Orders – relating to a PREMISES

CIEH_HPR2010_Pt2A_Orders_Premises_CL1v2.doc
Part 2A Orders relating to a PREMISES
Letter to owner/occupier to accompany notice of intention
CIEH_HPR2010_Pt2A_Orders_Premises_L1.doc

Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)
Health Protection (Part 2A Orders) Regulations 2010
Regulations 3 – Intention to apply *for / vary / revoke a Part 2A Order

Please find enclosed notification of the Council’s intention to *apply for / vary / revoke a Part 2A Order under section 45 of the Public Health (Control of Disease) Act 1984.

The notification concerns [address of premises and any specific area]. The application will be made to a Justice of the Peace at [name of magistrates court and address], on [date and time].

You are being giving notice of this intention so that you may attend the hearing, arrange legal representation should you wish to, and prepare any response to the application. Further information is given in the enclosed notes. Please be aware that these hearings may be held in open court although you or the Council can make an application for it to be held in private, however this is at the discretion of the Justice of the Peace.

Please read the notice of intention and notes carefully, but should you have any questions concerning this application please contact me.

Yours sincerely,

(*Delete as appropriate)
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PREMISES

Notice of intention and accompanying notes
CIEH_HPR2010_Pt2A_Orders_Premises_N1.doc

Click on to view page
➲ Introduction Section C (See DH Guidance pages 69 to 100) 41
➲ Algorithm L 60
➲ Environmental health checklist 61
➲ Letter to owner/occupier to accompany notice of intention 62
➲ Notice of intention and accompanying notes 63
➲ Letter to owner/occupier to inform of outcome of application for/to vary/to revoke Part 2A Order 64
➲ Part 2A Order (Premises) and accompanying notes 65

Click on to download
➲

NOTICE OF INTENTION TO APPLY FOR / VARY / REVOCATE A PART 2A ORDER UNDER SECTION 45(C) OF PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (as amended)

The Health Protection (Part 2A Orders) Regulations 2010

1. To: ___________________________
   At: ___________________________

2. I have reason to believe that there is a significant risk of harm to human health and that it is necessary to make an order to .
   - For an order to gain access to because. The person / will require you to comply with the requirements stated in section 4 of this Notice.
   - For an *order / variation / revocation under Section 45(I)(2) of Public Health (Control of Disease) Act 1984 because I am of the opinion that the premises known as 

3. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice. IMPORTANT:
   - If you are detained, placed in isolation or quarantined as a result of an Order, you may commit an offence and the local authority can institute legal proceedings against you and if you are found guilty you may be liable for a fine not exceeding £20,000.

4. If a Part 2A Order is made you must comply with the requirements of the order as directed below.
   - Requirements
     - Signed: ___________________________
     - Name: ___________________________
     - Address: ___________________________
     - Date: ___________________________

NOTICE TO OWNER / OCCUPIER

I give notice that I shall be applying to a Justice of the Peace at the [name of Magistrates Court] on [date and time] to make an Order to remove or reduce the risk.
   - For an Order to gain access to because. The person / will require you to comply with the requirements stated in section 4 of this Notice.
   - For an *order / variation / revocation under Section 45(I)(4) Public Health (Control of Disease) Act 1984 because I am of the opinion that the premises known as 

5. If a Part 2A Order is issued you can apply to the Justice of the Peace for a variation or revocation.
   - Application for/to vary/to revoke Part 2A Order
     - To: ___________________________
     - At: ___________________________

6. If a Part 2A Order is made you must comply with the requirements of the order as directed below.
   - Requirements
     - Signed: ___________________________
     - Name: ___________________________
     - Address: ___________________________
     - Date: ___________________________

Please note that this document is intended for information purposes only. It does not replace legal advice.

Click on to download
Dear [name],

Public Health (Control of Disease) Act 1984 (as amended)
Health Protection (Part 2A Orders) Regulations 2010
Regulations 3 – Outcome of application *for / to vary / to revoke a Part 2A Order

I write to advise you of the outcome of the application *for / to vary / to revoke a Part 2A Order heard at [magistrates court, address] on [date, time], concerning [address of premises and specific area].

Please find enclosed a copy of the Part 2A Order. The Order requires you to [description of restriction or requirement] with immediate effect until [date]. This is because [reason]. Please read the Order carefully as it is an offence if you fail to comply with its requirements. Further information relating to the Order can be found on the attached notes.

Please be aware that you are able to apply for the Order to be varied or revoked. This application must be in writing to the Justice of the Peace at [magistrates court address], clearly stating your reasons.

If you are unable or refuse to carry out the requirements of the Order, then the local authority may consider it necessary to carry out the action instead. In such circumstances a charge will be levied against you, and will include the actual and staff costs.

If you have any questions or need to clarify anything then please contact me, as it is important that you fully understand the requirements of the Order and that you are able to comply fully with its requirements.

Yours sincerely,

(*Delete as appropriate)
Part 2A Orders
relating to a PREMISES

Part 2A Order and accompanying notes
CIEH_HPR2010_Pt2A_Order_Premises_v2.doc

Click to download

Notes

1. This Order informs you that there is a need to protect human health and a Part 2A Order has been granted. In order to remove the risk to human health you must comply with the requirements as stated under sections 2 - 4 of the Notice.

2. In granting the Order the court has considered the evidence given by the authority and additional witnesses.

3. The Order will commence immediately from the date detailed on page 1 of the Order. The Order will remain in place until there is no longer a risk to human health but will not exceed the specified period. If after the specified period there is still a need to protect human health a further application will be made to the court. The Authority can apply at any time for a variation or a revocation of Part 2A Order.

4. You can apply to the Justice of the Peace for a variation or revocation of the Order. All applications must be made in writing and clearly state your reasons for requesting a variation/revocation.

5. The making of an Order does not mean that you are guilty of an offence but failure to comply with the conditions detailed under sections 2 - 4 of the Order may make you guilty of an offence which you may be liable for prosecution and you may be liable for a fine not exceeding £20,000.

6. If you obstruct the authority in any way or in failing to comply with the Order you may be liable for any additional costs incurred as a result of any remedial action required.

7. If you fail to comply with the conditions as detailed in sections 2 - 4 of the Order and the Authority has to take action to secure compliance in order to protect public health you may be liable for any costs incurred by the Authority. These costs will not exceed the costs incurred. Costs will not be imposed in relation to dead bodies or remains.

8. If as a result of an Order you incur financial loss you may be liable to claim compensation from the Authority. Compensation cannot be claimed for costs incurred for measures required under section 4 of the Order.

9. The Authority will have regard for your welfare and your dependants welfare if as a result of an Order you are detained, placed in isolation or quarantined.
E-mail report to Public Health England

**Part 2A Orders**

**GENERAL REQUIREMENTS**

**E-mail report to Public Health England**

Email: part2aorder@phe.gov.uk

**Health Protection (Part 2A Orders) Regulations 2010**

Regulation 10 – Written report to Chief Executive of Public Health England

Please be advised that [local authority] has within the last 10 days, made an application *for / to vary / to revoke a Part 2A Order. A copy of the application is attached with identification of the person removed.

*The Part 2A Order was granted and a copy is attached with the identification of the person removed.

*Where this is a variation to a Part 2A Order the original Part 2A Order is also attached with the identification of the person removed.

*The Part 2A Order was dismissed / withdrawn for [give reason]

The officer responsible for this report is:

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
</tr>
<tr>
<td>Tel No</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Email</td>
</tr>
</tbody>
</table>

(*Delete as appropriate)
Part 2A Orders
GENERAL REQUIREMENTS

Witness Statement Form
CIEH_HPR2010_Pt2A_Orders_General_WSF.doc

Statement of Witness
Criminal Procedure Rules r27.1 (1);
Criminal Justice Act 1967 s9;
Magistrates' Courts Act 1980, s.5B

Statement of:
Age of witness (If over 18, state Over 18): Over 18
Occupation of witness:
Address of witness:

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I submit it knowing that if it is required to be proved or if I have wilfully omitted to mention anything which I know to be true or do not believe to be true.

Signature: ………………………………… Dated the ……… day of …………………. 20

Signature: ……………………………………………………. Page       of

EXHIBIT LIST

Signature: ……………………………………………………. Page       of

Signature: ……………………………………………………. Page       of

CIEH_HPR2010_Pt2A_ORDERS_General_WSF.doc