

SCHEDULE 2

article 9

Transitional and savings provisions in relation to public health protection

Interpretation

1. In this Schedule—

“the Notification Regulations” mean the Health Protection (Notification) Regulations 2010; and

“the Local Authority Powers Regulations” mean the Health Protection (Local Authority Powers) Regulations 2010(1).

Section 9 of the 1984 Act

2. Section 9 of the 1984 Act (vessels in inland or coastal waters) shall continue in force for the purposes of section 13 of the 1984 Act (regulations for control of certain diseases) (notwithstanding the repeal of section 9 by the 2008 Act).

Section 11 of the 1984 Act: duty of registered medical practitioners

3.—(1) Where—

(a) a duty on a registered medical practitioner under section 11 of the 1984 Act (cases of notifiable disease and food poisoning to be reported) has arisen before 6th April 2010 but has not been discharged before that date; and

(b) the duty is in connection with a notifiable disease that is listed in Schedule 1 to the Notification Regulations (notifiable diseases),

the registered medical practitioner must comply with regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purpose of sub-paragraph (1), the registered medical practitioner shall be treated as having formed a suspicion under regulation 2(1) of the Notification Regulations on 6th April 2010.

Section 11 of the 1984 Act: duty of proper officers

4.—(1) Where—

(a) a proper officer of a local authority has received a certificate in accordance with section 11(1) of the 1984 Act (cases of notifiable disease and food poisoning to be reported);

(b) the proper officer has not discharged the duty to send copies of that certificate to other specified parties under section 11(3) of that Act(2) before 6th April 2010; and

(c) the certificate relates to a notifiable disease that is listed in Schedule 1 to the Notification Regulations (notifiable diseases),

the certificate shall be treated as a notification sent under regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purposes of sub-paragraph (1), the proper officer shall be treated as having received the notification on 6th April 2010.

(1) [S.I. 2010/657](#).

(2) Before its repeal, section 11(3) was amended by the National Health Service Reform and Health Care Professions Act 2002 ([c.17](#)), Schedule 2, Part 2, paragraphs 50(1) and (2).

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Section 20 of the 1984 Act

5. Where—

- (a) a proper officer of a local authority has made a request under section 20 of the 1984 Act⁽³⁾ (stopping of work to prevent spread of disease); and
- (b) that request has not been complied with before 6th April 2010 nor has it expired or been withdrawn,

the request shall be treated as a request made under regulation 8 of the Local Authority Powers Regulations (requests for co-operation for health protection purposes).

Section 21 of the 1984 Act

6. Where—

- (a) a notice has been issued to the person having care of a child under section 21 of the 1984 Act (exclusion from school of children liable to convey notifiable disease); and
- (b) a certificate has not been issued by a proper officer under that section in respect of that notice before 6th April 2010,

for the purposes of the notice, section 21 of the 1984 Act shall continue in force (notwithstanding its repeal by the 2008 Act).

Section 22 of the 1984 Act

7. Where—

- (a) a proper officer of a local authority has requested a principal of a school to furnish a list of names and addresses of pupils under section 22 of the 1984 Act⁽⁴⁾ (list of day pupils at school having case of notifiable disease);
- (b) the time for complying with the request has not expired; and
- (c) the request has not been complied with before 6th April 2010,

the request shall be treated as a request made under regulation 3 of the Local Authority Powers Regulations (requirement to provide details of children attending school).

Section 31 of the 1984 Act

8. Where—

- (a) the local authority has given notice to an occupier under section 31 of the 1984 Act (disinfection of premises); and
- (b) the steps set out by the local authority in its notice have not been taken by the local authority or the occupier before 6th April 2010,

for the purposes of the notice, section 31 of the 1984 Act shall continue in force (notwithstanding its repeal by the 2008 Act).

(3) Before its repeal, section 20 was amended by the Food Safety Act 1990 (c.16), Schedule 3, paragraph 28.

(4) Before its repeal, section 22 was amended by virtue of a Royal Proclamation dated 31st December 1984 abolishing the halfpenny.

Sections 35 to 38 and 40 of the 1984 Act

9. Where, immediately before 6th April 2010, an order made by a justice of the peace under one or more of sections 35 to 38 and 40 of the 1984 Act⁽⁵⁾ (which relate to justice of the peace orders) is in force, the order—

- (a) shall be treated as having been made under section 45G (power to order health measures in relation to persons) and, where the order has been combined with a warrant, section 45K (part 2A orders: supplementary) of the 1984 Act;
- (b) shall cease to be in force after a period of 14 days beginning with 6th April 2010, or such shorter period as the order may specify; and
- (c) cannot be extended, but this does not prevent a justice of the peace making a new order under sections 45G or 45K of the 1984 Act as the case may be.

Section 42 of the 1984 Act

10. Where, immediately before 6th April 2010, a magistrates' court order under section 42 of the 1984 Act (closure of common lodging house on account of notifiable disease) is in force, the order—

- (a) shall be treated as having been made under section 45I of the 1984 Act (power to order health measures in relation to premises);
- (b) shall cease to be in force after a period of 14 days beginning with 6th April 2010 (or such shorter period as the order may specify); and
- (c) cannot be extended, but this does not prevent a justice of the peace making a new order under section 45I of the 1984 Act.

Section 43 of the 1984 Act

11. Where—

- (a) a proper officer of a local authority or a registered medical practitioner has certified under section 43 of the 1984 Act (person dying in hospital with notifiable disease) that a body should not be removed from hospital except for the purpose of being taken directly to a mortuary or forthwith buried or cremated; and
- (b) the body subject to the certification remains in that hospital immediately before 6th April 2010,

for the purposes of the certification and the body, section 43 of the 1984 Act shall continue in force (notwithstanding its repeal by the 2008 Act).

Section 74 of the 1984 Act

12. Any definition in section 74 of the 1984 Act⁽⁶⁾ (interpretation) which is used in—

- (a) sections 13 to 15 or 76 of the 1984 Act; or
- (b) any provision of the 1984 Act that continues in force for specified purposes by virtue of paragraphs 2 to 11 of this Schedule,

shall continue in force for the purposes of construing those sections and provisions (notwithstanding their repeal, and the repeal of section 74 of the 1984 Act, by the 2008 Act).

(5) Before its repeal, section 37 was amended by: the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 26(2), Schedule 10; the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 4, paragraphs 60 and 62; S.I. 2000/90, Schedule 1, paragraph 17(1) and (4)(b); S.I. 2002/2469, Schedule 1, Part 1, paragraph (11) (1) and (4)(a) and (b); and S.I. 2007/961, the Schedule, paragraph 14(1) and (6)(a) and (b).

(6) The definition of "NHS Trust" in section 74, before its repeal, was amended by the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraphs 78 and 79. Other amendments to section 74 are not relevant here.

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