



# AIDS (Control) Act 1987

## 1987 CHAPTER 33

An Act to make provision in relation to Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus. [15th May 1987]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

C1 Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

## 1 Periodical reports on matters relating to AIDS and HIV.

(1) Reports shall be made in accordance with this section—

- <sup>F1</sup>(a) .....
- (b) to the Secretary of State by—
  - <sup>F2</sup>(i) each Health Authority in England and Wales;
  - (iii) each Health Board in Scotland <sup>F3</sup>...
  - <sup>F4</sup>(iv) each NHS trust].
  - <sup>F5</sup>and
  - (v) each Primary Care Trust.]

<sup>F6</sup>(2) Any report under this section—

- (a) shall contain the information specified in the Schedule to this Act and such other relevant information as the Secretary of State may direct; and
- (b) shall be published by the Health Authority, Health Board <sup>F7</sup>, NHS trust or Primary Care Trust]by which it is made.]

(4) The reports shall be in such form and shall be made at such times or intervals and relate to such periods as the Secretary of State may direct but those periods shall not

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be more than twelve months and the first reports shall be made and published not later than the end of 1988.

- (5) The Secretary of State may by order made by statutory instrument—
- (a) make provision for requiring any [<sup>F8</sup>Special Health Authority] specified in the order to make reports to him under this section and for that purpose modify the Schedule to this Act in its application to [<sup>F8</sup>that Special Health Authority];
  - (b) amend the Schedule to this Act.
- (6) The Schedule to this Act may be modified or amended under subsection (5) above either by altering or deleting any of the matters for the time being specified in it or by specifying additional relevant information.
- (7) An order under subsection (5) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Directions and orders under this section may make different provision for different cases and directions under subsection (4) above may require reports in respect of periods falling wholly or partly before the coming into force of this Act.
- (9) In this section [<sup>F8</sup>“Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977 [<sup>F9</sup>, “Primary Care Trust” means a Primary Care Trust established under section 16A of that Act,]“Special Health Authority” means a Special Health Authority established under section 11 of that Act], “Health Board” has the same meaning as in the <sup>M1</sup>National Health Service (Scotland) Act 1978 and “relevant information” means information relating to, or to any matter connected with, AIDS or HIV.
- [<sup>F10</sup>(10) In this section “NHS trust” means a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990 or, as the case may be, under the National Health Service (Scotland) Act 1978.]

#### Textual Amendments

- F1** S. 1(1)(a) repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), Sch. 1 Pt. III para. 113(2)(a)(i), **Sch. 3** (with Sch. 2 paras. 6, 16)
- F2** S. 1(1)(b)(i) substituted for s. 1(1)(b)(i)(ii) (1.4.1996) by 1995 c. 17 ss. 2(1)(3), 5(1), Sch. 1 Pt. III para. 113(2)(a)(ii) (with Sch. 2 paras. 6, 16)
- F3** Word in s. 1(1)(b)(iii) omitted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(2)(a)**
- F4** S. 1(1)(b)(iv) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(1)(a)**
- F5** S. 1(1)(b)(v) and preceding word “and” inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(2)(a)**
- F6** S. 1(2) substituted for s. 1(2)(3) (1.4.1996) by 1995 c. 17, ss. 2(1)(3), **Sch. 1 Pt. III para. 113(2)(b)** (with Sch. 2 paras. 6, 16)
- F7** Words in s. 1(2)(b) substituted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(2)(b)**
- F8** Words in s. 1(5)(9) substituted (1.4.1996) by 1995 C. 17, SS. 2(1)(3), Sch. 1 Pt. III para. 113(2)(c)(d) (with Sch. 2 paras. 6, 16)
- F9** Words in s. 1(9) substituted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(2)(c)**
- F10** S. 1(10) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(1)(d)**

#### Marginal Citations

- M1** 1978 c. 29.

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## **2 Power to make corresponding provision for Northern Ireland.**

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House.

## **3 Expenses.**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums so payable under any other enactment.

## **4 Short title, interpretation and extent.**

- (1) This Act may be cited as the AIDS (Control) Act 1987.
- (2) In this Act “AIDS” means Acquired Immune Deficiency Syndrome and “HIV” means Human Immunodeficiency Virus.
- (3) Except for section 2, this Act does not extend to Northern Ireland.

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## SCHEDULE

### CONTENTS OF REPORTS

- 1 The number of persons known to the Authority [<sup>F11F12</sup> . . . trust] or Board to be persons with AIDS at the end of the period to which the report relates (“the reporting period”) having been diagnosed as such—
- (a) in that period; and
  - (b) up to the end of that period,
- by facilities or services provided by the Authority [<sup>F11F12</sup> . . . trust] or Board.

#### Textual Amendments

- F11** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(2)**
- F12** Words in **Sch. para. 1** omitted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(3)**

- 2 The number of persons known to the Authority [<sup>F13F14</sup> . . . trust] or Board to have been diagnosed as persons with AIDS by such facilities or services in the reporting period or a previous reporting period and to have died—
- (a) in the reporting period; and
  - (b) up to the end of the reporting period.

#### Textual Amendments

- F13** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(2)**
- F14** Word in **Sch. para. 2** omitted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(3)**

- [<sup>F15</sup>2A The number of positive results known to the Authority [<sup>F16F17</sup> . . . trust] or Board to have been obtained in the reporting period from blood samples taken for the purposes of HIV antibody tests by facilities or services provided by the Authority [<sup>F16F17</sup> . . . trust] or Board.]

#### Textual Amendments

- F15** **Sch. para. 2A** added by S.I. 1988/1047, **art. 2(2)**
- F16** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(2)**
- F17** Words in **Sch. para. 2A** omitted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(3)**

- 3 Where the number to be reported under any of the foregoing provisions is between one and nine (inclusive) the report shall state only that the number is less than ten.
- 4 Particulars of the facilities and services provided by the Authority [<sup>F18F19</sup> . . . trust] or Board, or known to it to have been provided in its <sup>F20</sup> . . . area by others, in the reporting period for testing for, and preventing the spread of, AIDS and HIV and for treating, counselling and caring for persons with AIDS or infected with HIV.

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**Textual Amendments**

- F18** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(2)**
- F19** Word in **Sch. para. 4** omitted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(3)**
- F20** Words in **Sch. para. 4** repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), Sch. 1 Pt. III, para. 113(3), **Sch. 3** (with **Sch. 2 paras. 6, 16**)

- 5 The number of persons employed by the Authority [<sup>F21F22</sup> . . . trust] or Board wholly or mainly in providing in the reporting period such facilities and services as are mentioned in paragraph 4 above.

**Textual Amendments**

- F21** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(2)**
- F22** Word in **Sch. para. 5** omitted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(3)**

- 6 An estimate of the facilities and services which the Authority [<sup>F23F24</sup> . . . trust] or Board will provide in the twelve months following the reporting period for the purposes mentioned in paragraph 4 above.

**Textual Amendments**

- F23** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(2)**
- F24** Word in **Sch. para. 6** omitted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(3)**

- 7 Particulars of action taken by the Authority [<sup>F25F26</sup> . . . trust] or Board, or known to it to have been taken in its <sup>F27</sup> . . . area by others, in the reporting period to educate the public in relation to AIDS and HIV and to provide training for testing for AIDS and HIV and for the treatment, counselling and care of persons with AIDS or infected with HIV.

**Textual Amendments**

- F25** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 32(2)**
- F26** Word in **Sch. para. 7** omitted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 19(3)**
- F27** Words in **Sch. para. 7** repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), Sch. 1 Pt. III, para. 113(3), **Sch. 3** (with **Sch. 2 paras. 6, 16**)

- 8 . . . . . <sup>F28</sup>

**Textual Amendments**

- F28** **Sch. para. 8** added by S.I. 1988/117, **art. 2** and repealed by S.I. 1988/1047, **art. 2(3)**

**Status:**

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**Changes to legislation:**

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