



Public Health
England



Chartered
Institute of
Environmental
Health

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



Health Protection Regulations 2010

TOOLKIT

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.

↪ Main contents



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

➤ Introduction to 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 Unit and Local Authorities	8

Section B

Health Protection (Local Authority Powers) Regulations 2010

➤ Introduction to Section B (See DH Guidance pages 43 to 68)	9
Regulation 2 Keeping a child away from school	
➤ Algorithm B and examples of downloadable materials	10 – 18
Regulation 3 Requirement to provide contact details of children attending school	
➤ Algorithm C and examples of downloadable materials	19 – 22
Regulations 4 and 5 Disinfection or decontamination of things on request	
➤ Algorithm D and examples of downloadable materials	23 – 25
Regulations 6 and 7 Disinfection or decontamination of premises on request	
➤ Algorithm E and examples of downloadable materials	26 – 28
Regulation 8 Requests for co-operation for health protection purposes	
➤ Algorithm F – General	29
➤ Algorithm G – Food handler and examples of downloadable materials	30 – 35
Regulations 9, 10 and 11 Restriction of contact with, access to, or relocation of, dead bodies	
➤ Algorithm H and examples of downloadable materials	36 – 40

Section C

Health Protection (Part 2A Orders) Regulations 2010

➤ Introduction to Section C (See DH Guidance pages 69 to 100)	41
Part 2A Orders relating to a PERSON	
➤ Algorithm I and examples of downloadable materials	42 – 47
Part 2A Orders relating to a THING	
➤ Algorithm J and examples of downloadable materials	48 – 53
Part 2A Orders relating to DEAD BODIES or HUMAN REMAINS	
➤ Algorithm K and examples of downloadable materials	54 – 59
Part 2A Orders relating to a PREMISES	
➤ Algorithm L and examples of downloadable materials	60 – 65
Part 2A Orders GENERAL REQUIREMENTS	
➤ E-mail report to Public Health England	66
➤ Witness statement form	67



Section A

Health Protection (Notification) Regulations 2010

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

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.

 Main contents



Section A
Health Protection (Notification) Regulations 2010

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

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

➤ Main contents



Section A

Health Protection
(Notification) Regulations
2010Click 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

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.

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

 Main contents

Section A

**Health Protection
(Notification) Regulations
2010**

**Proper officer checklist for disclosure of
information to Port Health Authority/
Local Authority for the port.**

CIEH_HPR2010_Notification_CL1.doc



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

**Proper officer checklist for disclosure of information to Port Health
Authority/Local Authority for the port.**

Case Details	
Surname	
Forename	
Date of Birth	
Home address	
Date of RMP notification	
Port Details	
Disembarkation	<i>Please tick</i> Ship <input type="checkbox"/> Hovercraft <input type="checkbox"/> Aircraft <input type="checkbox"/> International Train <input type="checkbox"/> Port: Date and time of disembarkation: Identification details of vehicle (If flight, need - airline, flight number, and origin):
Port Health Authority / LA	PHA / LA: Contact name: Tel: Date of forwarding information (within 3 days):
Reason for disclosure (give details)	On board during incubation period: Likely to have acquired infection / contamination on board: Implications for other passengers:
Proper officer	Name: Position: Local Authority:

CIEH_HPR2010_Notification_CL1.doc

Main contents



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:

Click on ↪ to view page

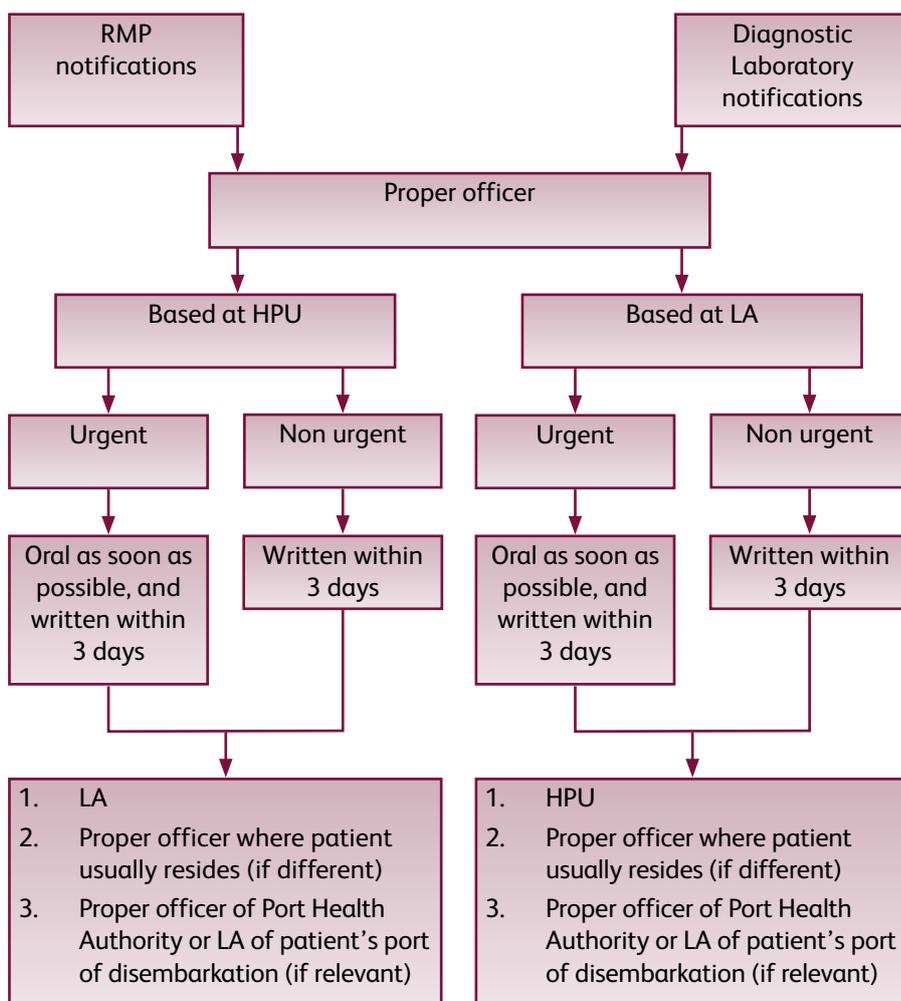
- ↪ Introduction Section A
(See DH Guidance pages 12 to 42) 4

- ↪ 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



↪ 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
 Regulation 2 Keeping a child away from school	10
 Regulation 3 Requirement to provide contact details of children attending school	19
 Regulations 4 and 5 Disinfection or decontamination of things on request	23
 Regulations 6 and 7 Disinfection or decontamination of premises on request	26
 Regulation 8 Requests for co-operation for health protection purposes	29
 Regulations 9, 10 and 11 Restriction of contact with, access to, or relocation of, dead bodies	36

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.

 [Main contents](#)



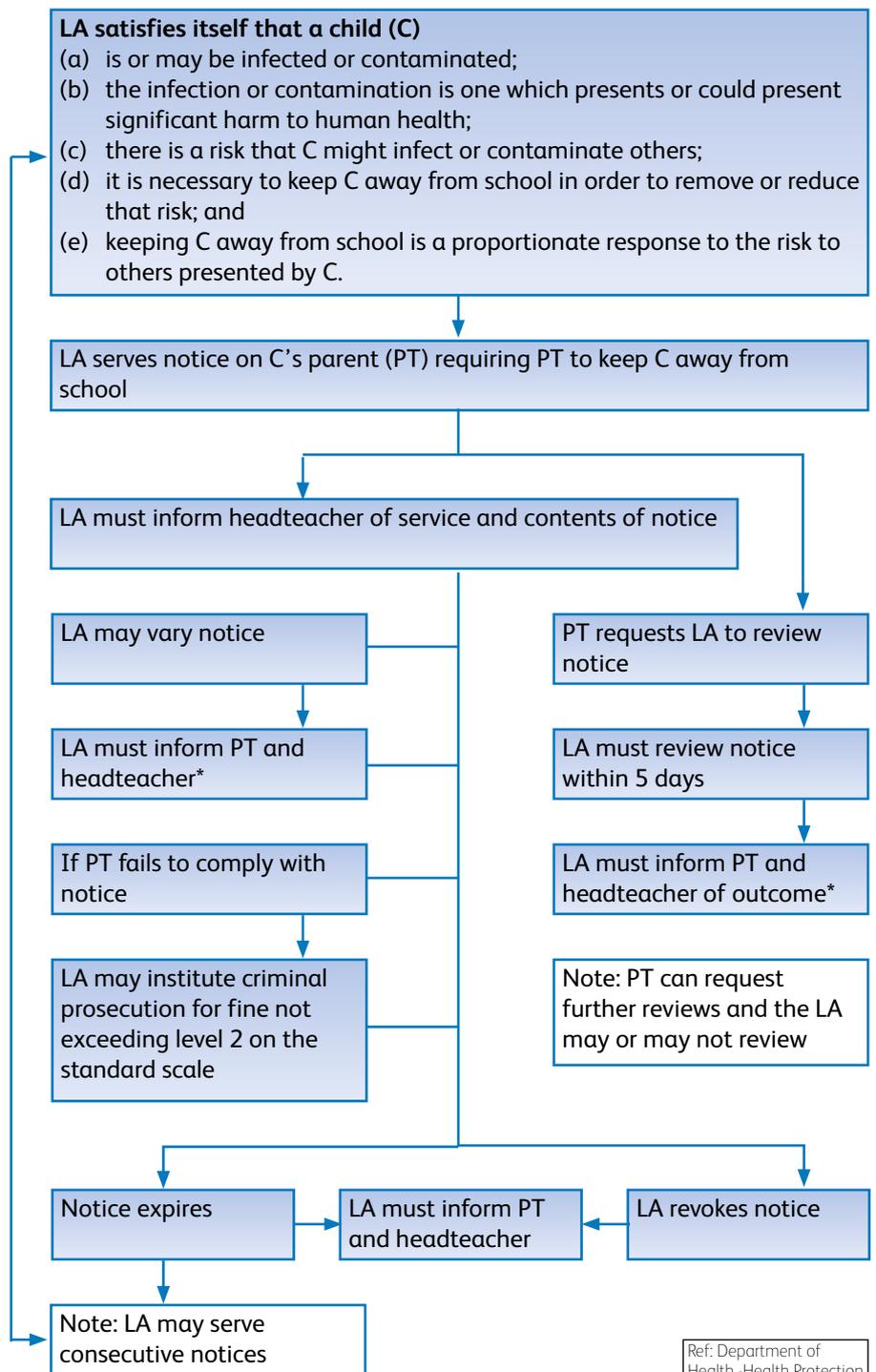
Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Regulation 2
Requirement to keep a child away from school

Algorithm B

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



*as soon as reasonably practicable

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

↗ Main contents



Section B

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

Regulation 2

Requirement to keep a child away from school

Environmental Health Checklist

CIEH_HPR2010_Reg2_CL1.doc



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

Environmental Health Checklist
Regulation 2 – Requirement to keep a child away from school

Case Details		
Family name		
First names		
Date of birth		
Home address		
Telephone No.		
Name of parent or guardian		
School Details		
Head teacher		
Telephone No.		
Address of School		
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.		
4. Is it necessary to keep the child away from school in order to reduce or remove that risk?	Yes	No
5. Is keeping the child away from school a proportionate response to the risk of infection or contamination presented by that child?	Yes	No
6. Is the child in question under 18 years old?	Yes	No
7. Is the child in full or part time educational institution providing primary or secondary education, or a maintained nursery school? <small>(This power can not be used to exclude a child from any other form of extra-curricular activity or gathering such as attendance at a sport event, Sunday school, or sports club)</small>	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.

Name:
 Position:
 Local Authority: Date

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Reg 2 notice

Date served

Expiry date

Notice expired letter (Date sent)

Head teacher informed letter (Date sent)

Further notice date served

Further notice expiry date

Further notice expired letter (Date sent)

Head teacher informed letter (Date sent)

Review

Date of request

Person making request

Date of review (within 5 working days)

Are criteria for notice still appropriate Yes / No

Notice: remains* / varied* / revoked*

Outcome of review notified to parent (Date)

Outcome of review notified to head teacher (Date)

(*Delete as appropriate)

CIEH_HPR2010_Reg2_CL1.doc

↪ **Main contents**



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 \(See DH Guidance pages 43 to 68\)](#) 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

Requirement to keep a child away from school
Health Protection (Local Authority Powers) Regulations 2010 (Regulation 2)

STATUTORY NOTICE

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:

Name	
Address	
Phone number	

[local authority name]
[date]

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

CIEH_HPR2010_Reg2_SN1.doc

Main contents



Section B

Health Protection
(Local Authority Powers)
Regulations 2010

Regulation 2

Requirement to keep a child away from school

Letter to PARENT to accompany statutory notice

CIEH_HPR2010_Reg2_L1.doc



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

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,

CIEH_HPR2010_Reg2_L1.doc

Main contents



Section B

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

Regulation 2

Requirement to keep a child away from school

Letter to PARENT to inform of outcome of review

CIEH_HPR2010_Reg2_L2.doc



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

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

Main contents



Section B

Health Protection (Local Authority Powers) Regulations 2010

Regulation 2

Requirement to keep a child away from school

Letter to HEAD TEACHER to inform that statutory notice has been served

CIEH_HPR2010_Reg2_L4.doc



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

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,

CIEH_HPR2010_Reg2_L4.doc

[Main contents](#)



Section B

Health Protection (Local Authority Powers) Regulations 2010

Regulation 2

Requirement to keep a child away from school

Letter to HEAD TEACHER to inform of outcome of review

CIEH_HPR2010_Reg2_L5.doc

 Click to
download

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

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

 Main contents



Section B

Health Protection (Local Authority Powers) Regulations 2010

Regulation 2

Requirement to keep a child away from school

Letter to HEAD TEACHER to permit child to return to school

CIEH_HPR2010_Reg2_L6.doc

 Click to download

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

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,

CIEH_HPR2010_Reg2_L6.doc

 Main contents



Section B
Health Protection (Local Authority Powers) Regulations 2010

Regulation 3
Requirement to provide details of children attending school

Algorithm C

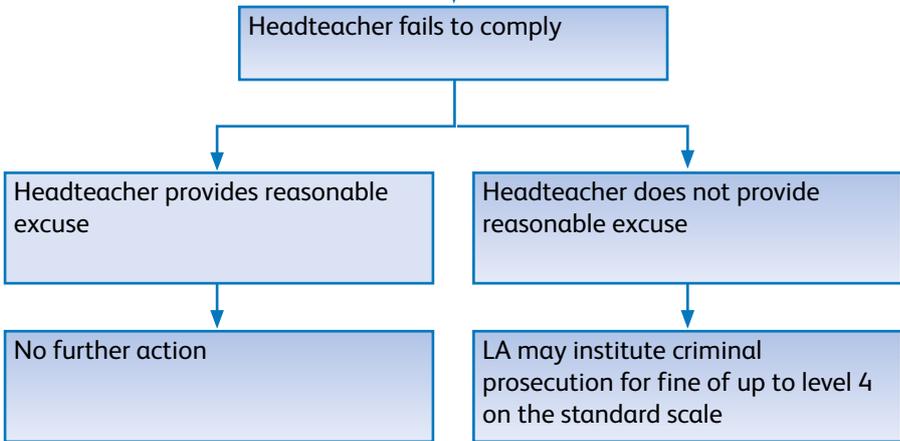
Click on  to view page

 Introduction Section B (See DH Guidance pages 43 to 68)	9
 Algorithm C	19
 Environmental health checklist	20
 Statutory notice	21
 Letter to head teacher to accompany statutory notice	22

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



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

 **Main contents**



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



Click on to view page

- Introduction Section B (See DH Guidance pages 43 to 68) 9

- Algorithm C 19

- Environmental health checklist 20

- Statutory notice 21

- Letter to head teacher to accompany statutory notice 22

Environmental Health Checklist
Regulation 3 – Requirement to provide details of children attending school

School Details		
Head teacher or deputy in absence of head teacher		
Full address of school		
Telephone No.		
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? <small>(NOTE: Adult contact details can not be required)</small>	Yes	No
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		

CIEH_HPR2010_Reg3_CL1.doc

Main contents



Section B

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

Regulation 3

Requirement to provide details of children attending school

Statutory Notice

CIEH_HPR2010_Reg3_SN1.doc



Click on to view page

- Introduction Section B (See DH Guidance pages 43 to 68) 9

- Algorithm C 19

- Environmental health checklist 20

- Statutory notice 21

- Letter to head teacher to accompany statutory notice 22

**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]

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

CIEH_HPR2010_Reg3_SN1.doc

Main contents



Section B
Health Protection (Local Authority Powers) Regulations 2010

Regulation 3
Requirement to provide details of children attending school

Letter to HEAD TEACHER to accompany statutory notice

CIEH_HPR2010_Reg3_L1.doc



Click on to view page

Introduction Section B (See DH Guidance pages 43 to 68)	9
Algorithm C	19
Environmental health checklist	20
Statutory notice	21
Letter to head teacher to accompany statutory notice	22

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

Main contents



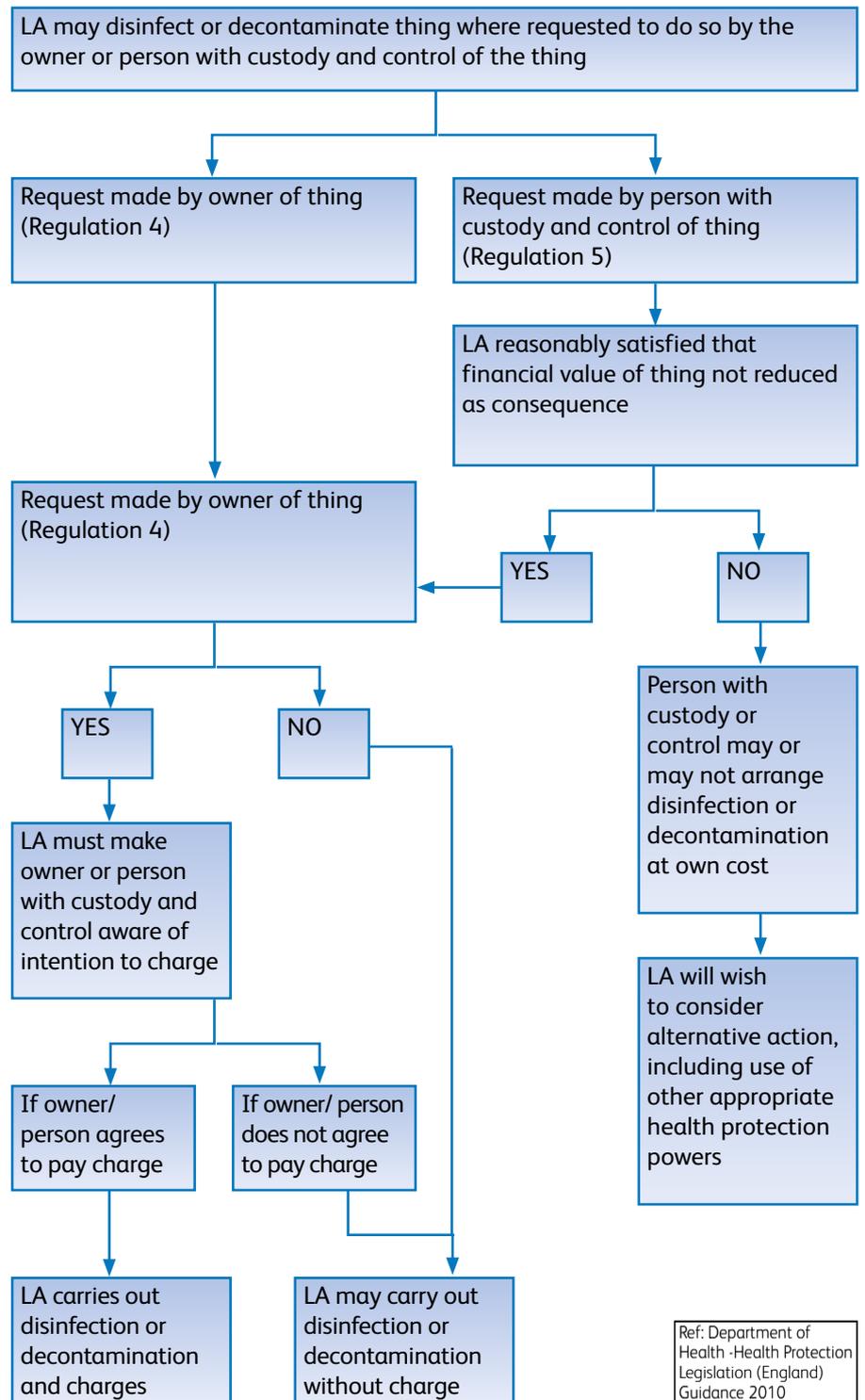
Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Regulation 4 and 5
Disinfection or decontamination of things on request

Algorithm D

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 / tenant to obtain their agreement to pay costs	25



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

[↪ Main contents](#)



Section B

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

**Regulation 4 and 5
Disinfection or decontamination of things on request**

Environmental Health Checklist

CIEH_HPR2010_Reg4_5_CL1.doc



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

**Environmental Health Checklist
Regulation 4 and 5 – Disinfection or decontamination of things on request**

Request Details	N.B. The local authority has a discretionary power to disinfect or decontaminate. <i>(local authority are not obliged to act on request)</i>		
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 <small>(Please tick ✓)</small>	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
Cost of decontamination	Other LA costs incurred		Total cost to be invoiced
<small>• N.B. Local Authority cannot charge more than the cost of the works.</small>			
Name:			
Position:			
Local Authority: Date			

CIEH_HPR2010_Reg4_5_CL1.doc

Main contents



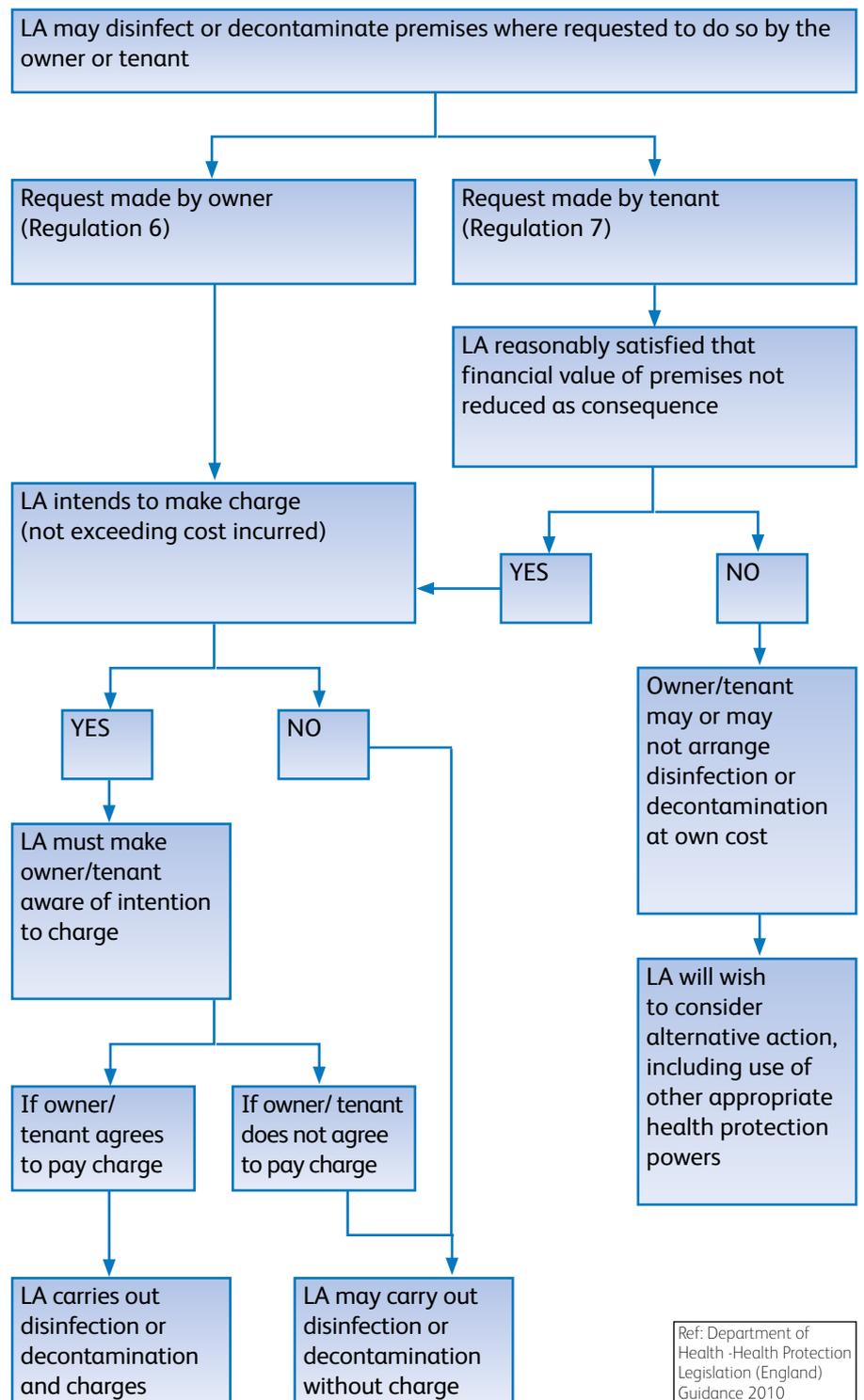
Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Regulation 6 and 7
Disinfection or decontamination of premises on request

Algorithm E

Click on [↩](#) to view page

↩ Introduction Section B (See DH Guidance pages 43 to 68)	9
↩ Algorithm E	26
↩ Environmental health checklist	27
↩ Letter to owner / tenant to obtain their agreement to pay costs	28



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

[↩ Main contents](#)



Section B

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

**Regulation 6 and 7
Disinfection or decontamination of premises on request**

Environmental Health Checklist

CIEH_HPR2010_Reg6_7_CL1.doc



Click on to view page

Introduction Section B (See DH Guidance pages 43 to 68)	9
Algorithm E	26
Environmental health checklist	27
Letter to owner / tenant to obtain their agreement to pay costs	28

Environmental Health Checklist
Regulation 6 and 7 – Disinfection or decontamination of premises on request

Request Details	N.B. The local authority has a discretionary power (<i>local authority is not obliged to act on request</i>) to disinfect or decontaminate.		
Family name			
First names			
Full Address			
Telephone No.			
Address of premises if different from above			
Describe the 'premises' which is the nature of the request. (Include no: of rooms, extent of infection / contamination, etc)			
<small>Premises has a wide meaning and includes any place, land, vehicles (including a train, vessel or aircraft) and any tent or movable structure; it can also refer to an offshore installation.</small>			
Is the person making the request (Please tick ✓)	The owner		The tenant
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	
<small>* N.B. Local Authority cannot charge more than the cost of the works.</small>			
Name:			
Position:			
Local Authority:		Date	

CIEH_HPR2010_Reg6_7_CL1.doc

Main contents



Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Regulation 8
Requests for co-operation for health protection purposes

Algorithm F – General

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

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

 **Main contents**



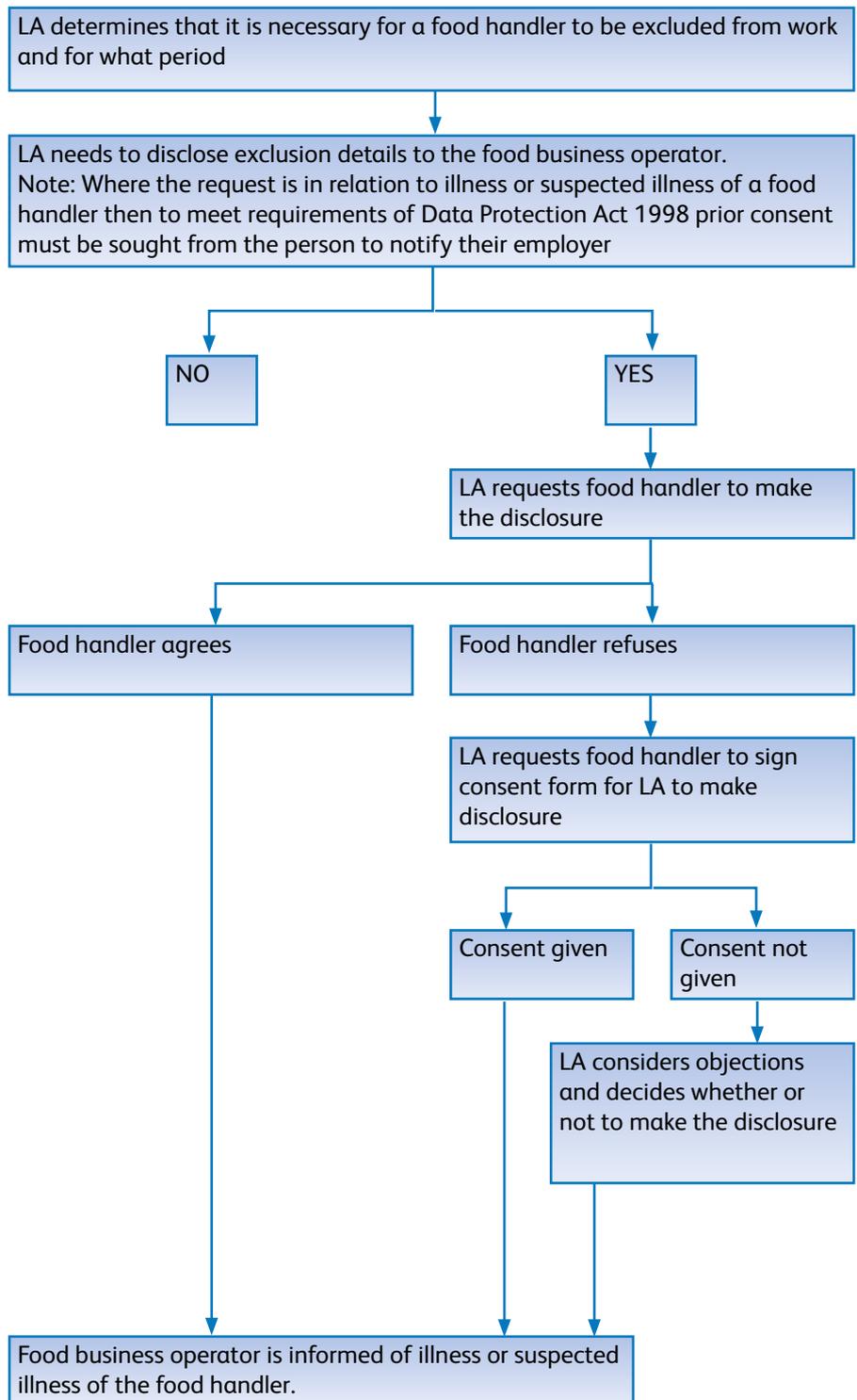
Section B
Health Protection
(Local Authority Powers)
Regulations 2010

Regulation 8
Requests for co-operation for health protection purposes

Algorithm G – Food handler

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**



Section B
Health Protection (Local Authority Powers) Regulations 2010

Regulation 8
Requests for co-operation for health protection purposes

Environmental Health Checklist

CIEH_HPR2010_Reg8_CL1.doc



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

Environmental Health Checklist
Regulation 8 – Requests for co-operation for health protection purposes

Details			
Name of person or group			
Address			
Telephone No.			
What action are you asking a person, or group of people, to take or refrain from taking. (Include the circumstances and time frames)		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? (Please tick ✓)	Yes	No	If yes how much will this be OR how will it be calculated?£ per
Compensation approved by senior officer			
Name: Position: Date			
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	

CIEH_HPR2010_Reg8_CL1.doc

[↪ Main contents](#)



Section B
Health Protection (Local Authority Powers) Regulations 2010

Regulation 8
Requests for co-operation for health protection purposes

Notice

CIEH_HPR2010_Reg8_N1.doc



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

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 [either compensation of £_____ 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**

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



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

Consent Form

Food Handlers - Agreement on Disclosure of Illness to Food Business Operator
(in accordance with the Data Protection Act 1998)

1. **Reference Number:**

2. **To:**

3. **Name of Food Business:**

4. **Address of Food Business:**

5. **Statement of Authorised Officer on food handlers symptoms/illness:**

Authorised Officer to complete:

6. **Statement of food handler:** (tick as appropriate)

I hereby **give** my consent to the Authorised Officer named below to contact my employer for the purposes of notification of my condition as outlined in section 5.

I hereby **refuse to give** my consent to the Authorised Officer named below to contact my employer for the purposes of notification of my condition as outlined in section 5.

Signed: (Food handler) Date:

Name (PRINT): Job Title:

7. **Confirmation/Refusal of consent** (to be completed by Authorised Officer when the food handler has agreed/disagreed to disclosure)

I have confirmed with the food handler that s/he has objections / no objections to the disclosure of information to the Food Business Operator.

Signed:(Authorised Officer) Date:

Name (PRINT):

Job Title:

Local Authority:

CIEH_HPR2010_Reg8_Form1.doc

8. **Disclosure of information to the Food Business Operator, following failure of consent** (in accordance with schedule 2(5)(d) and Schedule 3(3)(b) of Data Protection Act)

Your employer may still be notified if you refuse to give your consent, as this may be considered 'unreasonable' and an indication of your intention to commit an offence by not immediately informing your employer yourself. (Failure to complete this form upon request by the Authorised Officer may also be interpreted in the same way).

I hereby disclose the information to the Food Business Operator following the food handlers' refusal of consent.

Food Business Operator / or duly authorised representative:

Signed:(Food Business Operator)

Date:

Name (PRINT):

Job Title:

Please read the notes below carefully. If you are not sure of your rights or the implications of this consent form, you may wish to seek legal advice.

Copies provide to:

Food handler Authorised Officer Food Business Operator

Notes

In accordance the Data Protection Act 1998 an Authorised Officer must seek prior consent from a food handler to notify of his/her illness or suspected illness to their employer (the food business operator). The form details the food handler's consent/refusal to disclose his/her illness to the food business operator. This form should help Authorised officers, food handlers and food business operators with a written record of the consent/refusal of consent.

Food handlers (anyone who works around open food) suffering from certain infections can easily contaminate food or surfaces that food may come into contact with. To help prevent the spread of infection to other people through food it is important that any food handler with an illness or symptoms of illness, which could be the result of an infectious disease that is likely to be transmitted through food, is excluded from working with food.

- Diarrhoea and/or vomiting are the main symptoms of illnesses that can be transmitted through food
- Staff handling food or working in a food handling area are required by law to report these symptoms to management immediately.
- Managers must exclude staff with these symptoms from working with or around open food, normally for 48 hours from when symptoms stop naturally

Further advice for food handlers and their managers on how to prevent the spread of infection is available from the Food Handlers: Fitness to Work guidance which is published on the Food Standards Agency website at www.food.gov.uk

Ref: Food Standards Agency
Letter: ENF/E/10013
21 March 2010

CIEH_HPR2010_Reg8_Form1.doc

Main contents

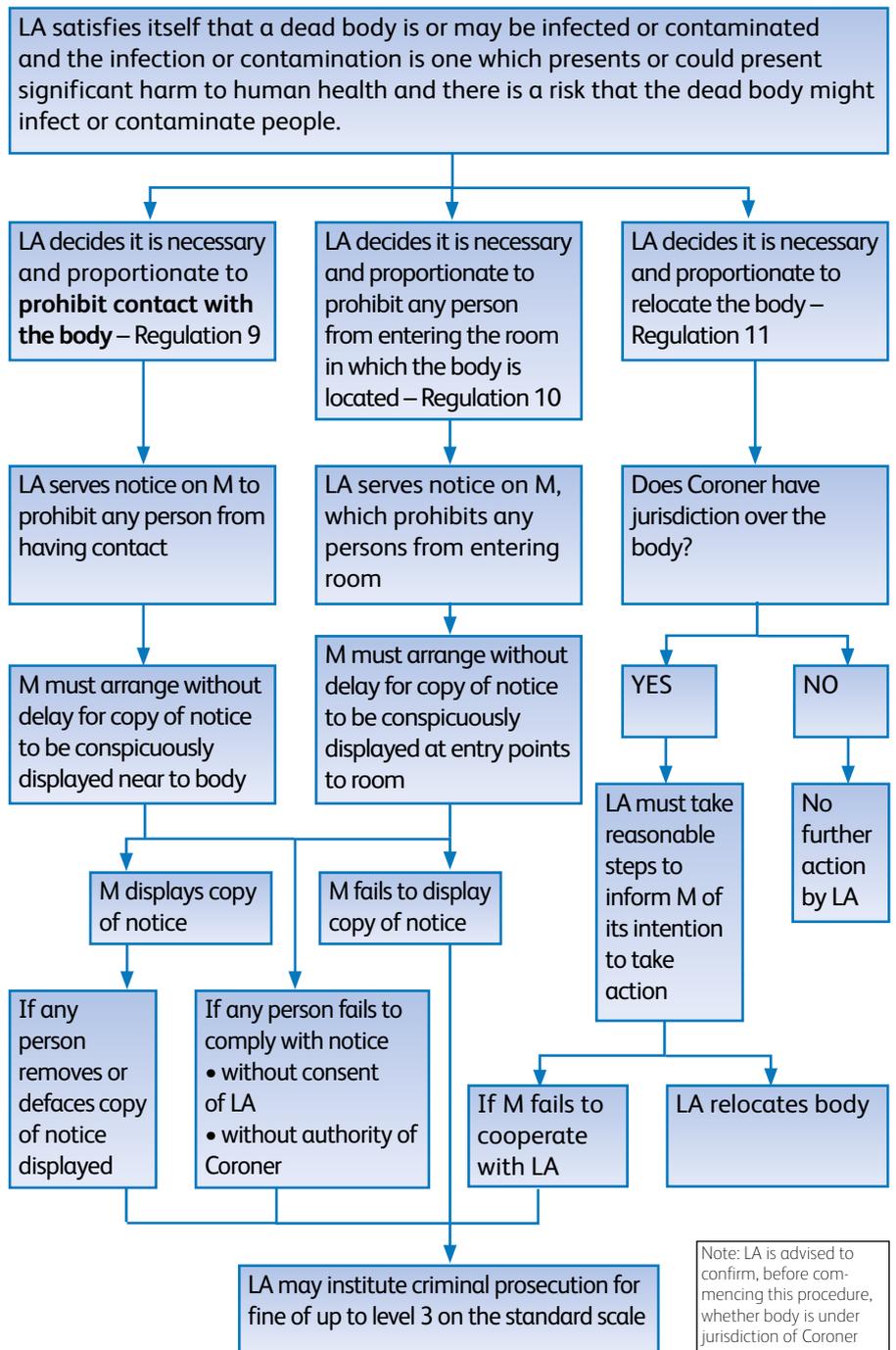


Section B
Health Protection
(Local Authority Powers)
Regulations 2010

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

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



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

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

Note: 'M' is person having control or charge of the premises in which the body is located

 **Main contents**



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

Environmental Health Checklist

CIEH_HPR2010_Reg9_10_11_CL1.doc



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

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

Details		
Name of deceased if known		
Date of Birth of deceased if known		
Date of Death of deceased if known		
Address where the body is currently being kept		
1. Is or may the body be 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 body might infect or contaminate people	Yes	No
4. Is it necessary to take the required action in order to remove or reduce that risk?	Yes	No
5. Is taking the required action a proportionate response to the risk presented by that body?	Yes	No
If the answer to any of the above questions 1 – 5 is No then you cannot use the Local Authority Power.		
Coroner		
Does the coroner have jurisdiction over the body?	Yes	No
NOTE: 1. Where a body is under the jurisdiction of the coroner, the coroner has the right to possession of the body and has authority over its physical control including relocation. 2. The legislation does not, and cannot, prevent someone with coronial authority from exercising their legal right to have access to, or contact with, the body. 3. Coronal jurisdiction overrides any permission the local authority may grant under the legislation for an individual to have contact with a body.		
Where the coroner has jurisdiction confirm you have informed the coroner's office	Yes	-
Coroner's office details:		
Date:		
Where the coroner has jurisdiction, does the coroner's office object to the use of these powers? If yes, record the reason:	Yes	No
Date:		

CIEH_HPR2010_Reg9_10_11_CL1.doc

Permissions granted for contact with the body / entry to the room (NOTE: Coroner or any person exercising the functions of the coroner or under their authority, has a legal right to have access to, or contact with the body.)	
Name:	Appropriate contact agreed:
Reason:	Date:
CCDC consulted:	
Name:	Appropriate contact agreed:
Reason:	Date:
CCDC consulted:	
Name:	Appropriate contact agreed:
Reason:	Date:
CCDC consulted:	
Relocation of the body (NOTE: This power can only be used where coroner does NOT have jurisdiction over the body)	
Reason for relocation	
Address / location where the body will be relocated to	
Have you informed the person with charge or control of the premises where the body is currently located, of the intention to relocate the body?	Yes -
Details of person carrying out the relocation:	Date of relocation:
Name:	
Position:	
Local Authority: Date:	
Reg 9 notice	
Date served	
Reg 10 notice	
Date served	

CIEH_HPR2010_Reg9_10_11_CL1.doc

Main contents



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

CIEH_HPR2010_Reg9_10_11_SN1.doc



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

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:

Name	
Address	
Phone	

[local authority name]
[date]

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

<small>Ref: Department of Health - Health Protection Legislation (England) Guidance 2010</small>
--

CIEH_HPR2010_Reg9_10_11_SN1.doc

[↪ Main contents](#)



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 in to the room

CIEH_HPR2010_Reg9_10_11_SN2.doc



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

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	
Phone	

[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.

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

CIEH_HPR2010_Reg9_10_11_SN2.doc

[↪ Main contents](#)



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

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



CIEH_HPR2010_Reg9_10_11_L1.doc

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

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

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Click on  to view page

 Introduction Section C (See DH Guidance pages 69 to 100)	41
 Part 2A Orders relating to a PERSON	42
 Part 2A Orders relating to a THING	48
 Part 2A Orders relating to DEAD BODIES or HUMAN REMAINS	54
 Part 2A Orders relating to a PREMISES	60
 Part 2A Orders GENERAL REQUIREMENTS	66

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.

“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, or 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.

 **Main contents**



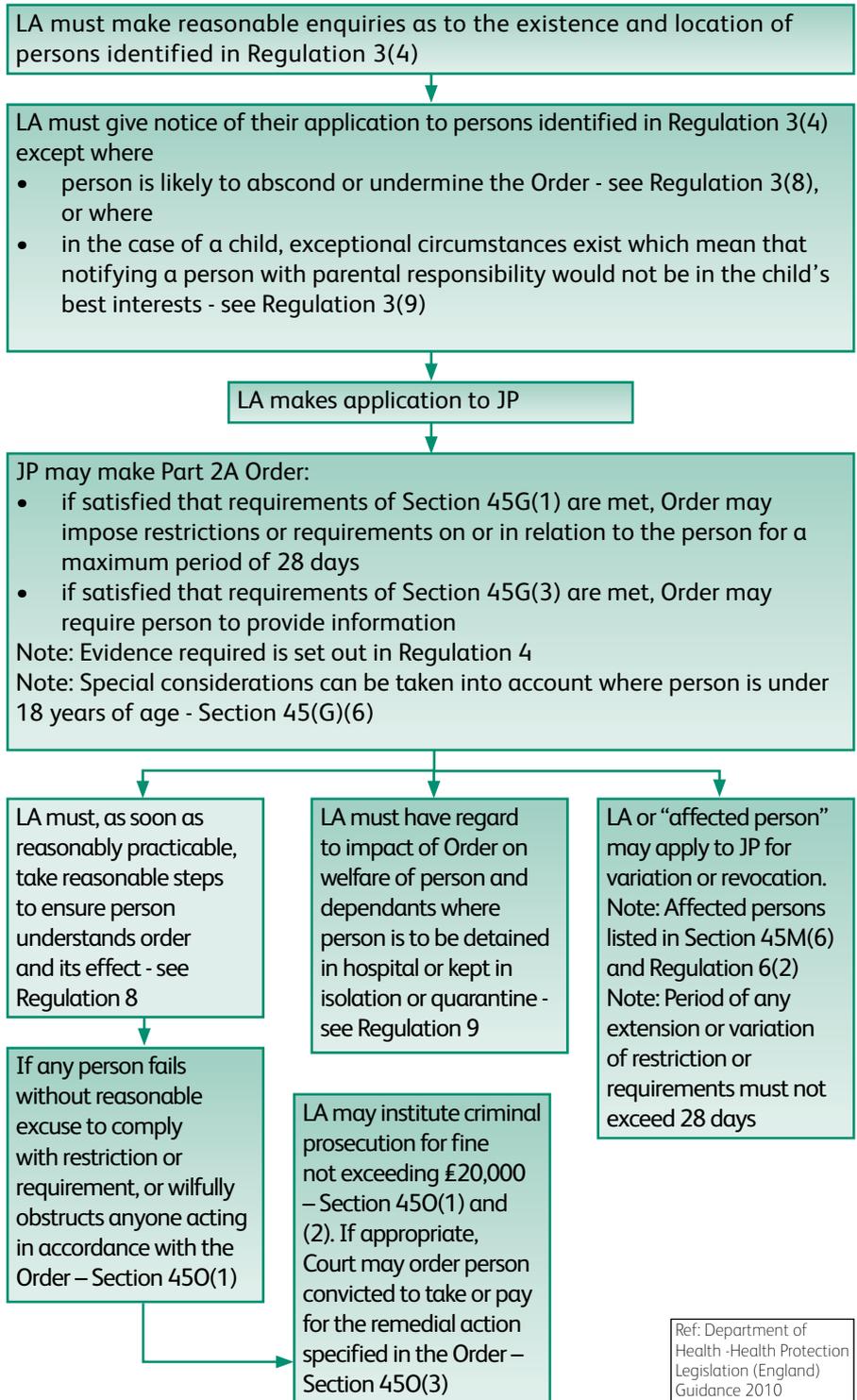
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PERSON

Algorithm I

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



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

➤ Main contents



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

1

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

Case Details	
Family name	
First names	
Date of Birth	
Home address	
Telephone No.	
The Part 2A Order is requiring the above person to:-	(Tick ✓ all that apply)
Undergo medical examination (NOT treatment or vaccination)	
Be taken to hospital or other suitable establishment (such as a care home)	
Be detained in hospital or other suitable establishment	
Be kept in isolation or quarantine	
Be disinfected or decontaminated	
Wear protective clothing	
Provide information or answer questions about their health or other circumstances	
Have their health monitored and the results reported	
Attend training or advice sessions on how to reduce the risk of infecting or contaminating others	
Be subject to restrictions on where they go or who they have contact with	
Abstain from working or trading	
Give information about and/or disclose the identity of someone they have, or may have, infected or contaminated; or someone who has, or may have, infected or contaminated them	
JP criteria to be satisfied	(Tick ✓)
NOTE: All these criteria must be satisfied	
The person is, or may be, infected or contaminated	
The infection or contamination presents, or could present, significant harm to human health	
There is a risk that the person might infect or contaminate others	
An order is necessary to remove or reduce the risk (Alternative ways – no alternative, not practical, fail to address the risk to human health)	

CIEH_HPR2010_P2A_Orders_Person_CL1v2.doc

2

Evidential Requirement	Category of Evidence	State Evidence Supplied
A. Show that the person is, or may be, infected or contaminated <small>Evidence should be provided about all four points, but at a minimum it must cover at least one</small>	1. The person's signs and symptoms of the infection or contamination 2. The diagnosis 3. The outcome of any clinical or laboratory tests 4. The person's recent contacts with, or proximity to, a source of infection or contamination	
B. Show that the infection or contamination presents, or could present, significant harm to human health <small>The evidence must provide a summary of the characteristics and effects of the suspected infection or contamination. This should cover an explanation of</small>	1. The mechanism by which it spreads 2. How easily it spreads 3. The impact on human health, taking account of symptoms including pain, disability and the likelihood of death	
C. Show that there is a risk that the person (or related party) might infect or contaminate others	An assessment must be given of the risk, including anything the person (or related party) is doing, or is expected to do, or alternatively, is not doing or is expected not to do, which affect the risk	
D. Show that an order is necessary to remove or reduce the risk	The evidence required must provide an assessment of the options available to deal with the risk that the person, or related party, presents. The assessment would need to explain how the requirements of the order will deal with the risk, and why other options for dealing with the risk are not suitable.	
Notification	1. Person or people concerned 2. Parent of child under 18 yrs 3. Decision maker of child under 18 years <small>(NOTE: If person likely to abscond or frustrate the application, the local authority may take the reasonable view NOT to notify)</small>	(Tick ✓)
Part 2A Order notified to:	1. Person or people concerned 2. Parent of child under 18 yrs 3. Decision maker of child under 18 years 4. Affected person e.g. Spouse, civil partner, living in household 5. PHE	

CIEH_HPR2010_P2A_Orders_Person_CL1v2.doc

3

Welfare	
Will there be an impact on the welfare of the person / people concerned?	Yes No
Will there be an impact on the welfare of dependants?	Yes No
Details of welfare action needed:	
Charges incurred	Cost
1.	
2.	
3.	
4.	
5.	
Name:	
Position:	
Local Authority: Date	
Documentation Record	
Notice of Intention	Part 2A Order
Date served	Outcome
Court hearing date	Date served
Further notice date served	Expiry date
Further court hearing date	Date PHE informed
	Further Order outcome
	Date served
	Expiry date
	Date PHE informed

CIEH_HPR2010_P2A_Orders_Person_CL1v2.doc

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

Main contents



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



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

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: Name of Person, Parent or Decision Maker
 At: Address of person above

2. I give notice that I shall be applying to a Justice of the Peace at [name of Magistrates Court and address, or address of a place determined by the Justice of the Peace], on [date and time].

For an Order / variation / revocation under Section 45(G)(2) of Public Health (Control of Disease) 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 that the infection or contamination is one which presents or could present significant harm to human health,
- and there is a risk that [name of person] might infect or contaminate others,
- and it is necessary to make an order to remove or reduce the risk.

OR

For an Order / variation / revocation under Section 45(G)(4) of Public Health (Control of Disease) 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 the infection or contamination is one which presents or could present significant harm to human health,
- and there is a risk that a related party might infect or contaminate others,
- and it is necessary to make an order to remove or reduce the risk.

3. For an Order to gain access to [specific area and / or address] because [reason]. The person / persons authorised to gain access is / are: [Name(s) / Job Title(s) of person(s) to be authorised]

CIEH_HPR2010_Pt2A_Orders_Person_N1.doc

2

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

Requirements

Signed: _____ (Authorised officer)

Name in Capitals:
 Date:
 Address: _____ Tel: _____
 Fax: _____
 E-mail: _____

PLEASE READ THE NOTES OVERLEAF CAREFULLY
 If you are not sure of your rights or the implications of this notice, you may want to seek legal advice

CIEH_HPR2010_Pt2A_Orders_Person_N1.doc

3

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 to a Justice of the Peace for an Order under Part 2A of the Public Health (Control of Disease) Act 1984. If granted, the Order would require you to comply with the requirements stated in section 4 of this Notice.
2. 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 bring your own evidence and witnesses to put before the Justice of the Peace and you may choose to be represented by a lawyer.
3. If the Justice of the Peace is convinced by the evidence of the local authority, then the Order will be made stating what action you must take to comply with the Order.
4. The Order will be served on you by the local authority and will come into immediate effect on the date of approval by the Justice of the Peace. If the Order relates to you personally, it will not exceed a period of 28 days. The local authority can apply at any time for a variation or revocation of the Order.
5. If a Part 2A Order is issued 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 or revocation. If the Order relates to you personally then your wife/husband/partner may also apply for a variation or revocation.
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 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.
8. If you obstruct the local 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 as a result of any remedial action required.
9. If you fail to comply with the requirements as stated in sections 4 of the Order and the local authority has to take action to secure compliance in order to protect public health, then you may be liable to any costs incurred by the authority. These costs will not exceed the actual costs incurred. Costs will not be imposed in respect of requirements relating to dealing with dead bodies or human.
10. 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

CIEH_HPR2010_Pt2A_Orders_Person_N1.doc

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 inform of outcome of application for/to vary/ to revoke Part 2A Order



CIEH_HPR2010_Pt2A_Orders_Person_L2.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 – 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)

CIEH_HPR2010_Pt2A_Orders_Person_L2.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PERSON

Part 2A Order and accompanying notes

CIEH_HPR2010_Pt2A_Order_a_Person_v2.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

[NAME] MAGISTRATES COURT

The Health Protection (Part 2A Orders) Regulations 2010

PART 2A ORDER (a Person)

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(6) [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]
 - And/Or
 - c) That the order requires you to answer the following questions or provide information on the following:
[Questions]
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]

Signed

Name
JUSTICE OF THE PEACE
Date [Date of Hearing]

PLEASE READ THE NOTES OVERLEAF CAREFULLY
If you are not sure of your rights or the implications of this order,
you may want to seek legal advice

CIEH_HPR2010_Pt2A_Order_a_Person_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 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 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 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 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 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 dependant's welfare if as a result of an Order you are detained, placed in isolation or quarantined.

CIEH_HPR2010_Pt2A_Order_a_Person_v2.doc

Main contents



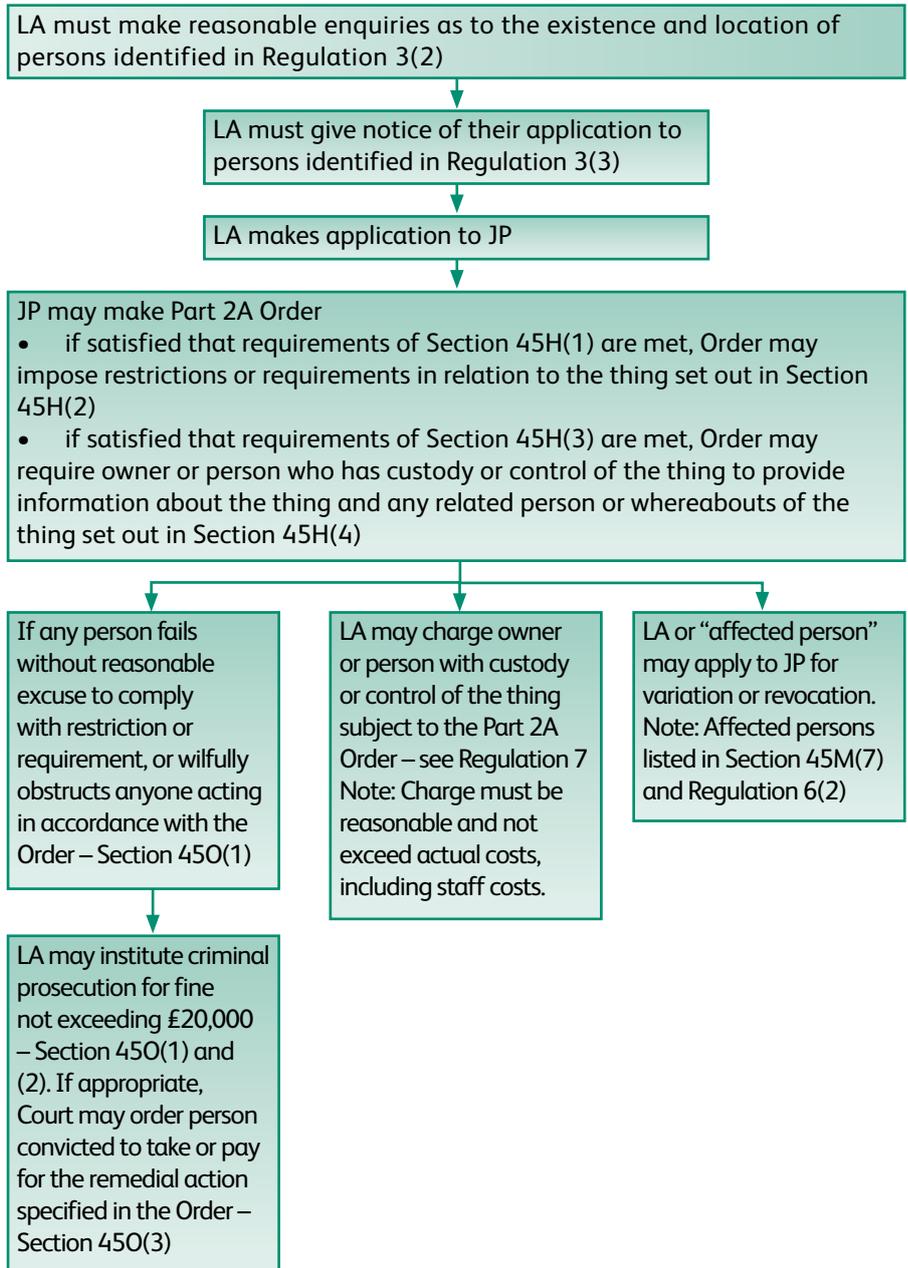
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a THING

Algorithm J

Click on ➤ to view page

➤ Introduction Section C (See DH Guidance pages 69 to 100)	41
➤ Algorithm J	48
➤ Environmental health checklist	49
➤ Letter to owner/person with custody or control to accompany notice of intention	50
➤ Notice of intention and accompanying notes	51
➤ Letter to owner/person with custody or control to inform of outcome of application for/to vary/ to revoke Part 2A Order	52
➤ Part 2A Order (a Thing) and accompanying notes	53



➤ Main contents

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) 41

- Algorithm J 48

- Environmental health checklist 49

- Letter to owner/person with custody or control to accompany notice of intention 50

- Notice of intention and accompanying notes 51

- Letter to owner/person with custody or control to inform of outcome of application for/to vary/ to revoke Part 2A Order 52

- Part 2A Order (a Thing) and accompanying notes 53

**Environmental Health Checklist
Part 2A Orders – relating to a THING**

Case Details	
What is the thing?	
Who is the owner/person in control of the thing?	
Address and telephone number of the owner/person in control of the thing?	
At what address is the thing located if different?	
The Part 2A Order is requiring the above thing to be:	(Tick all that apply v)
Seized or retained	<input type="checkbox"/>
Kept in isolation or quarantine	<input type="checkbox"/>
Disinfected or decontaminated	<input type="checkbox"/>
Destroyed or disposed of	<input type="checkbox"/>
the owner of a thing, or anyone who has or has had custody or control of it, to provide information or answer questions about it. Can include where the thing has been, or about anyone, or other things, that have had contact with it (i.e. 'related person' or 'related thing').	
JP criteria to be satisfied	(Tick v)
NOTE: All these criteria must be satisfied	
The thing is, or may be, infected or contaminated	
The infection or contamination presents, or could present, significant harm to human health	
There is a risk that the thing (or a related person, or related thing) might infect or contaminate humans	
An order is necessary to remove or reduce the risk (Alternative ways – no alternative, not practical, fail to address the risk to human health)	
Evidential requirement (None prescribed)	(Tick v)
List supporting evidence	
(Tick v)	
Notification	
'Notice of Intention' notified to:	1. Owner of the thing 2. Person with custody or control over the thing
Part 2A Order notified to:	1. Owner of the thing 2. Person with custody or control over 3. PHE

CIEH_HPR2010_Pt2A_Orders_Thing_CL1v2.doc

Charges incurred	Cost
1.	
2.	
3.	
4.	
5.	
Name:	
Position:	
Local Authority: Date	
Documentation record	
Notice of Intention	Part 2A Order
Date served	Outcome
Court hearing date	Date served
Further notice date served	Expiry date
Further court hearing date	Date PHE informed
	Further Order outcome
	Date served
	Expiry date
	Date PHE informed

CIEH_HPR2010_Pt2A_Orders_Thing_CL1v2.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a THING

Letter to OWNER / PERSON WITH CUSTODY OR CONTROL to accompany Notice of Intention

CIEH_HPR2010_Pt2A_Orders_Thing_L1.doc



Click on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41

- Algorithm J 48

- Environmental health checklist 49

- Letter to owner/person with custody or control to accompany notice of intention 50

- Notice of intention and accompanying notes 51

- Letter to owner/person with custody or control to inform of outcome of application for/to vary/ to revoke Part 2A Order 52

- Part 2A Order (a Thing) and accompanying notes 53

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)

CIEH_HPR2010_Pt2A_Orders_Thing_L1.doc

Main contents



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



Click on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41

- Algorithm J 48

- Environmental health checklist 49

- Letter to owner/person with custody or control to accompany notice of intention 50

- Notice of intention and accompanying notes 51

- Letter to owner/person with custody or control to inform of outcome of application for/to vary/ to revoke Part 2A Order 52

- Part 2A Order (a Thing) and accompanying notes 53

1

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

The Health Protection (Part 2A Orders) Regulations 2010

1. To: Owner or person with custody or control of a thing

At: Address of person above

2. I give notice that I shall be applying to a Justice of the Peace at (name of Magistrates Court and address, or address of a place determined by the Justice of the Peace), on (date and time)

For an Order / variation / revocation under Section 45(H)(2) of Public Health (Control of Disease) Act 1984 because I am of the opinion that (the thing)

- is or may be infected or contaminated with (disease or type of contamination),
- and the infection or contamination is one which presents or could present significant harm to human health,
- and there is a risk that (the thing) might infect or contaminate humans,
- and it is necessary to make an order to remove or reduce that risk.

OR

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 (the thing)

- is or may be infected or contaminated with (disease or type of contamination),
- and the infection or contamination is one which presents or could present significant harm to human health,
- and there is a risk that (the thing) might infect or contaminate humans,
- and it is necessary to make an order to remove or reduce that risk.

3. For an Order to gain access to (specific areas and / or address) because (reason). The person / persons authorised to gain access is / are (Name / Job Titles of persons to be authorised)

CIEH_HPR2010_Pt2A_Orders_Thing_N1.doc

2

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

(Requirements)

Signed: (Authorised officer)

Name in Capitals:

Date:

Address: Tel:

Fax:

E-mail:

PLEASE READ THE NOTES OVERLEAF CAREFULLY
If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

CIEH_HPR2010_Pt2A_Orders_Thing_N1.doc

3

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 to a Justice of the Peace for an Order under Part 2A of the Public Health (Control of Disease) Act 1984. If granted, the Order would require you to comply with the requirements stated in section 4 of this Notice.
2. 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 bring your own evidence and witnesses to put before the Justice of the Peace and you may choose to be represented by a lawyer.
3. If the Justice of the Peace is convinced by the evidence of the local authority, then the Order will be made stating what action you must take to comply with the Order.
4. The Order will be served on you by the local authority and will come into immediate effect on the date of approval by the Justice of the Peace. If the Order relates to you personally, it will not exceed a period of 28 days. The local authority can apply at any time for a variation or revocation of the Order.
5. If a Part 2A Order is issued 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 or revocation. If the Order relates to you personally then your wife/husband/partner may also apply for a variation or revocation.
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 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.
8. If you obstruct the local 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 as a result of any remedial action required.
9. If you fail to comply with the requirements as stated in sections 4 of the Order and the local authority has to take action to secure compliance in order to protect public health, then you may be liable to any costs incurred by the authority. These costs will not exceed the actual costs incurred. Costs will not be imposed in respect of requirements relating to dealing with dead bodies or human.
10. 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

CIEH_HPR2010_Pt2A_Orders_Thing_N1.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a THING

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



Click on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41

- Algorithm J 48

- Environmental health checklist 49

- Letter to owner/person with custody or control to accompany notice of intention 50

- Notice of intention and accompanying notes 51

- Letter to owner/person with custody or control to inform of outcome of application for/to vary/ to revoke Part 2A Order 52

- Part 2A Order (a Thing) and accompanying notes 53

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].

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)

CIEH_HPR2010_Pt2A_Orders_Thing_L2.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a THING

Part 2A Order and accompanying notes

CIEH_HPR2010_Pt2A_Order_a_Thing_v2.doc



Click on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41

- Algorithm J 48

- Environmental health checklist 49

- Letter to owner/person with custody or control to accompany notice of intention 50

- Notice of intention and accompanying notes 51

- Letter to owner/person with custody or control to inform of outcome of application for/to vary/ to revoke Part 2A Order 52

- Part 2A Order (a Thing) and accompanying notes 53

[NAME] MAGISTRATES COURT

The Health Protection (Part 2A Orders) Regulations 2010

PART 2A ORDER (a Thing)

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]
 - And/Or**
 - c) That the order requires you to answer the following questions or provide information on the following:
[Questions]
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]

Signed

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.

PLEASE READ THE NOTES OVERLEAF CAREFULLY
If you are not sure of your rights or the implications of this order,
you may want to seek legal advice

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 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 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 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 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 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 dependant's welfare if as a result of an Order you are detained, placed in isolation or quarantined.

CIEH_HPR2010_Pt2A_Order_a_Thing_v2.doc

Main contents



Section C

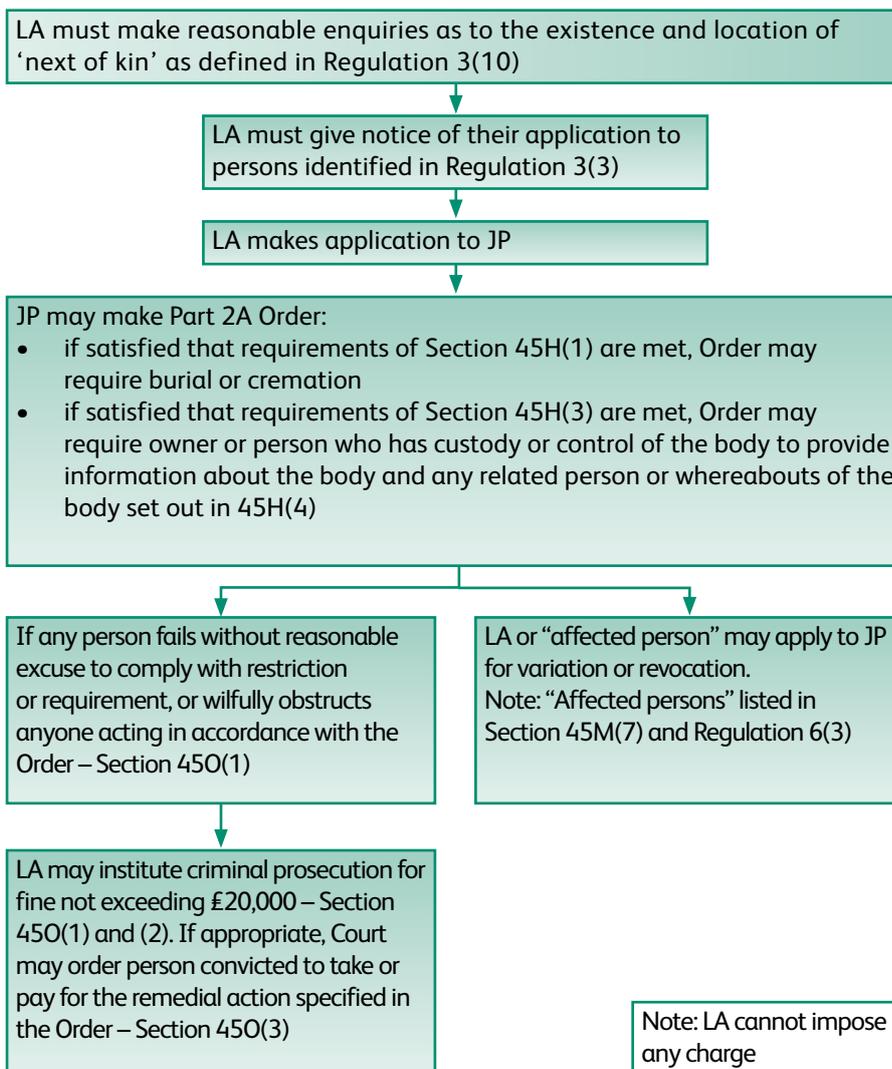
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to DEAD BODIES or HUMAN REMAINS

Algorithm K

Click on ➤ to view page

➤ Introduction Section C (See DH Guidance pages 69 to 100)	41
➤ Algorithm K	54
➤ Environmental health checklist	55
➤ Letter to next of kin to accompany notice of intention	56
➤ Notice of intention and accompanying notes	57
➤ Letter to next of kin to inform of outcome of application for/to vary/ to revoke Part 2A Order	58
➤ Part 2A Order (Dead Bodies or Human Remains) and accompanying notes	59



➤ Main contents

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



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) 41

- Algorithm K 54

- Environmental health checklist 55

- Letter to next of kin to accompany notice of intention 56

- Notice of intention and accompanying notes 57

- Letter to next of kin to inform of outcome of application for/to vary/to revoke Part 2A Order 58

- Part 2A Order (Dead Bodies or Human Remains) and accompanying notes 59

Environmental Health Checklist Part 2A Orders – relating to DEAD BODIES or HUMAN REMAINS	
Case Details	
Name of the body/remains if known	
Date of Birth of deceased if known	
Date of Death of deceased if known	
Current address where the body or remains are being kept	
The Part 2A order is requiring the body or remains to be	(Tick ✓)
Buried	<input type="checkbox"/>
Cremated	<input type="checkbox"/>
Other disposal (please state)	<input type="checkbox"/>
JP criteria to be satisfied	(Tick ✓)
NOTE: All these criteria must be satisfied	
The body is, or may be, infected or contaminated	<input type="checkbox"/>
The infection or contamination presents, or could present, significant harm to human health	<input type="checkbox"/>
There is a risk that the body (or a related person, or related thing) might infect or contaminate humans	<input type="checkbox"/>
An order is necessary to remove or reduce the risk	<input type="checkbox"/>
Evidential requirement (None prescribed)	List supporting evidence
Notification	
'Notice of Intention' notified to:	1. Next of Kin <input type="checkbox"/>
Part 2(A) Order notified to:	1. Next of Kin <input type="checkbox"/> 2. PHE <input type="checkbox"/>

CIEH_HPR2010_Pt2A_Orders_DB_HR_CL1v2.doc

Determining Next of Kin (first available person in order of preference)	
1. If the dead person was a child, a person with parental responsibility	(Tick ✓)
2. The person's husband, wife or civil partner	<input type="checkbox"/>
3. Anyone who had been living with the person as if they were their husband, wife or civil partner	<input type="checkbox"/>
4. The person's child, if 18 or over	<input type="checkbox"/>
5. The person's parent	<input type="checkbox"/>
6. The person's brother or sister (aged 18 or over).	<input type="checkbox"/>
Next of Kin details	
Name: _____	
Address: _____	
Telephone No. _____	
Charges incurred	
The Local Authority may NOT make any charge	
Name:	
Position:	
Local Authority: Date	
Documentation Record	
Notice of Intention	Part 2A Order
Date served	Outcome
Court hearing date	Date served
Further notice date served	Expiry date
Further court hearing date	Date PHE informed
	Further Order outcome
	Date served
	Expiry date
	Date PHE informed

CIEH_HPR2010_Pt2A_Orders_DB_HR_CL1v2.doc

Main contents



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

CIEH_HPR2010_Pt2A_Orders_DB_HR_N1.doc



Click on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41
- Algorithm K 54
- Environmental health checklist 55
- Letter to next of kin to accompany notice of intention 56
- Notice of intention and accompanying notes 57
- Letter to next of kin to inform of outcome of application for/to vary/to revoke Part 2A Order 58
- Part 2A Order (Dead Bodies or Human Remains) and accompanying notes 59

1

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

The Health Protection (Part 2A Orders) Regulations 2010

1. To: Next of Kin

At: Address of person above

2. I give notice that I shall be applying to a Justice of the Peace at [name of Magistrates Court and address, or address of a place determined by the Justice of the Peace], on [date and time]

For an Order / variation / revocation under Section 45(H)(2) of Public Health (Control of Disease) Act 1984 because I am of the opinion that [name of dead body or description of human remains]:

- is or may be infected or contaminated with [disease or type of contamination],
- and the infection or contamination is one which presents or could present significant harm to human health,
- and there is a risk that [name of dead body or description of human remains] might infect or contaminate humans,
- and it is necessary to make an order to remove or reduce that risk.

OR

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]:

- is or may be infected or contaminated with [disease or type of contamination],
- and the infection or contamination is one which presents or could present significant harm to human health,
- and there is a risk that [name of dead body or description of human remains] might infect or contaminate humans,
- and it is necessary to make an order to remove or reduce that risk.

3. For an Order to gain access to [specific areas and / or address] because [reason], The person / persons authorised to gain access is / are [Name / Job Titles of persons to be authorised]

CIEH_HPR2010_Pt2A_Orders_DB_HR_N1.doc

2

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

Requirements

Signed: [Authorised officer]

Name in Capitals:

Date:

Address: Tel:

Fax:

E-mail:

PLEASE READ THE NOTES OVERLEAF CAREFULLY
If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

CIEH_HPR2010_Pt2A_Orders_DB_HR_N1.doc

3

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 to a Justice of the Peace for an Order under Part 2A of the Public Health (Control of Disease) Act 1984. If granted, the Order would require you to comply with the requirements stated in section 4 of this Notice.
2. 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 bring your own evidence and witnesses to put before the Justice of the Peace and you may choose to be represented by a lawyer.
3. If the Justice of the Peace is convinced by the evidence of the local authority, then the Order will be made stating what action you must take to comply with the Order.
4. The Order will be served on you by the local authority and will come into immediate effect on the date of approval by the Justice of the Peace. If the Order relates to you personally, it will not exceed a period of 28 days. The local authority can apply at any time for a variation or revocation of the Order.
5. If a Part 2A Order is issued 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 or revocation. If the Order relates to you personally then your wife/husband/partner may also apply for a variation or revocation.
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 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.
8. If you obstruct the local 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 as a result of any remedial action required.
9. If you fail to comply with the requirements as stated in sections 4 of the Order and the local authority has to take action to secure compliance in order to protect public health, then you may be liable to any costs incurred by the authority. These costs will not exceed the actual costs incurred. Costs will not be imposed in respect of requirements relating to dealing with dead bodies or human.
10. 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.

CIEH_HPR2010_Pt2A_Orders_DB_HR_N1.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to DEAD BODIES or HUMAN REMAINS

Letter to NEXT OF KIN to inform of outcome of application for / to vary / to revoke Part 2A Order

CIEH_HPR2010_Pt2A_Orders_DB_HR_L2.doc



Click on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41

- Algorithm K 54

- Environmental health checklist 55

- Letter to next of kin to accompany notice of intention 56

- Notice of intention and accompanying notes 57

- Letter to next of kin to inform of outcome of application for/to vary/ to revoke Part 2A Order 58

- Part 2A Order (Dead Bodies or Human Remains) and accompanying notes 59

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)

CIEH_HPR2010_Pt2A_Orders_DB_HR_L2.doc

Main contents

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



Section C

Health Protection (Part 2A Orders) Regulations 2010

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 on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41

- Algorithm K 54

- Environmental health checklist 55

- Letter to next of kin to accompany notice of intention 56

- Notice of intention and accompanying notes 57

- Letter to next of kin to inform of outcome of application for/to vary/to revoke Part 2A Order 58

- Part 2A Order (Dead Bodies or Human Remains) and accompanying notes 59

[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]
 - And/Or
 - c) That the order requires you to answer the following questions or provide information on the following:
 - [Questions]
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]

Signed

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.

PLEASE READ THE NOTES OVERLEAF CAREFULLY
If you are not sure of your rights or the implications of this order, you may want to seek legal advice

CIEH_HPR2010_Pt2A_Order_DB_Human_Remains_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 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 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 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 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 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 dependant's welfare if as a result of an Order you are detained, placed in isolation or quarantined.

CIEH_HPR2010_Pt2A_Order_DB_Human_Remains_v2.doc

Main contents



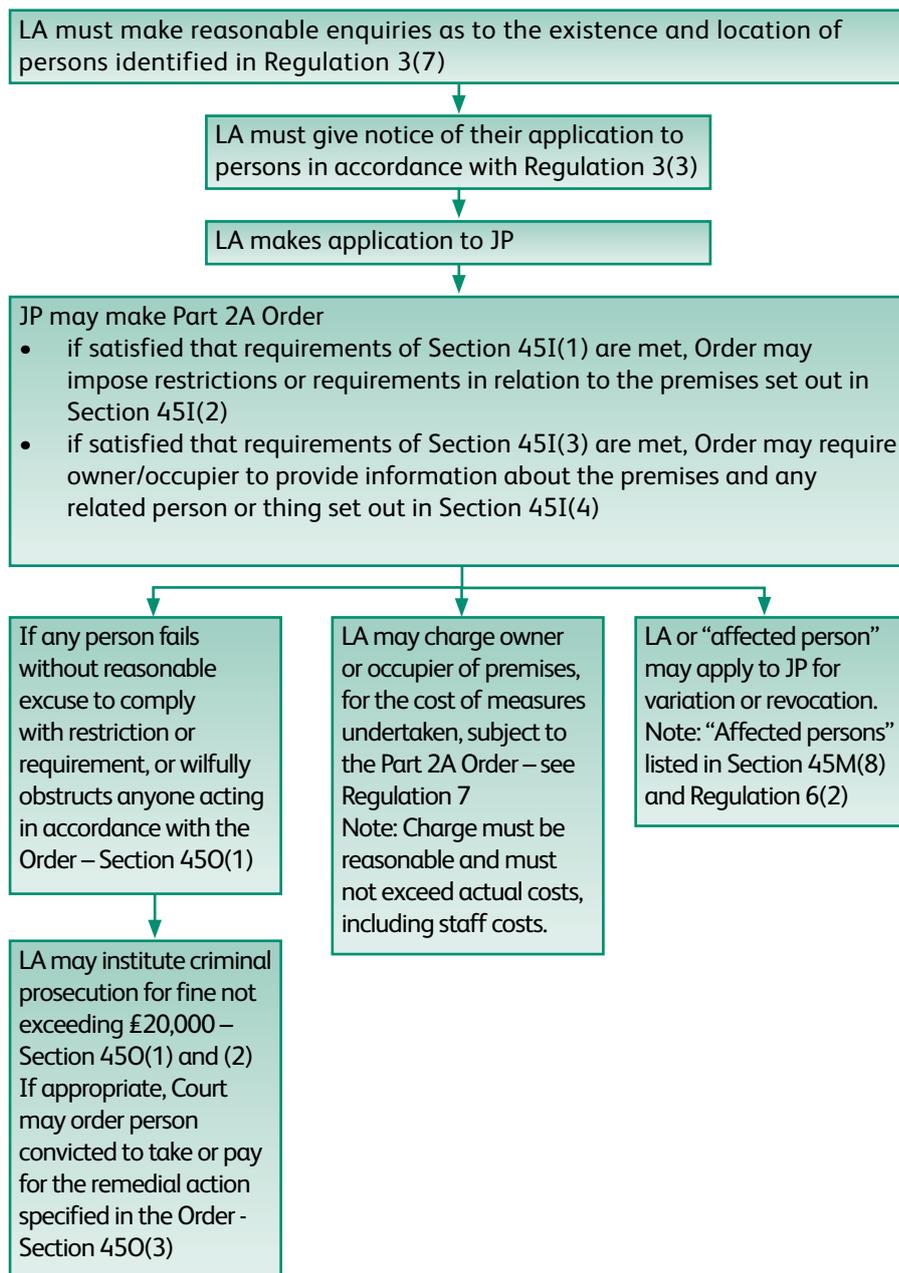
Section C
Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PREMISES

Algorithm L

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



 **Main contents**

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 PREMISES

Environmental Health Checklist

CIEH_HPR2010_Pt2A_Orders_Premises_CL1v2.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

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

Case Details	
Premises Address	
Owner: Name	
Owner: Address (if different from above)	
Owner: Telephone No.	
Occupier: Name (if different from owner)	
Occupier: Telephone No.	
The Part 2A Order is requiring :-	(Tick all that apply v)
The premises to be closed	
In the case of a conveyance or movable structure, it is to be detained	
The premises are to be disinfected or decontaminated	
In the case of a building, conveyance or structure, it is to be destroyed	
The owner or occupier of the premises to provide information or answer questions about the premises, related persons, or related things	
Do you require information on the following:	(Tick v)
a. Someone who has or may have infected or contaminated the premises	
b. Someone who has or may have infected or contaminated someone else who is or has been on the premises	
c. A thing which is or has been on the premises	
d. Someone who may have been infected or contaminated by the premises	
e. Someone who has or may have been infected or contaminated by someone who, or a thing which is or has been on the premises	
JP criteria to be satisfied	(Tick v)
NOTE: All these criteria must be satisfied	
The premises are or may be, infected or contaminated	
The infection or contamination presents, or could present, significant harm to human health	
There is a risk that the premises (or a related person, or related thing) might infect or contaminate humans	
An order is necessary to remove or reduce the risk	
Evidential requirement (None prescribed)	List supporting evidence

CIEH_HPR2010_Pt2A_Orders_Premises_CL1v2.doc

Notification		(Tick v)
'Notice of Intention' notified to:	1.Owner 2. Occupier	
Part 2(A) Order notified to:	1.Owner 2.Occupier 3.PHE	
Charges incurred		Cost
1.		
2.		
3.		
4.		
5.		
Name:		
Position:		
Local Authority: Date		
Documentation record		
Notice of Intention		Part 2A Order
Date served		Outcome
Court hearing date		Date served
Further notice date served		Expiry date
Further court hearing date		Date PHE informed
		Further Order outcome
		Date served
		Expiry date
		Date PHE informed

CIEH_HPR2010_Pt2A_Orders_Premises_CL1v2.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PREMISES

Letter to owner/occupier to accompany notice of intention

CIEH_HPR2010_Pt2A_Orders_Premises_L1.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

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)

CIEH_HPR2010_Pt2A_Orders_Premises_L1.doc

↪ Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PREMISES

Letter to owner/occupier to inform of outcome of application for/to vary/to revoke Part 2A Order

CIEH_HPR2010_Pt2A_Orders_Premises_L2.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

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)

CIEH_HPR2010_Pt2A_Orders_Premises_L2.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

Part 2A Orders relating to a PREMISES

Part 2A Order and accompanying notes

CIEH_HPR2010_Pt2A_Order_Premises_v2.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

[NAME] MAGISTRATES COURT

The Health Protection (Part 2A Orders) Regulations 2010

PART 2A ORDER (Premises)

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[1] [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]
 - And/Or**
 - c) That the order requires you to answer the following questions or provide information on the following:

[Questions]

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]**

Signed

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.

PLEASE READ THE NOTES OVERLEAF CAREFULLY
If you are not sure of your rights or the implications of this order, you may want to seek legal advice

CIEH_HPR2010_Pt2A_Order_Premises_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 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 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 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 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 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 dependant's welfare if as a result of an Order you are detained, placed in isolation or quarantined.

CIEH_HPR2010_Pt2A_Order_Premises_v2.doc

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

**Part 2A Orders
GENERAL REQUIREMENTS**

E-mail report to Public Health England

CIEH_HPR2010_Pt2A_Orders_General_E1.doc



Click on to view page

Introduction Section C (See DH Guidance pages 69 to 100)	41
E-mail report to Public Health England	66
Witness statement form	67

Part 2A Orders

Email to Chief Executive of 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:
 [Name]
 [Title]
 [Tel No]
 [Address]
 [Email]

(*Delete as appropriate)

CIEH_HPR2010_Pt2A_Orders_General_E1

Main contents



Section C

Health Protection (Part 2A Orders) Regulations 2010

**Part 2A Orders
GENERAL REQUIREMENTS**

Witness Statement Form

CIEH_HPR2010_Pt2A_Orders_General_WSF.doc



Click on to view page

- Introduction Section C (See DH Guidance pages 69 to 100) 41

- E-mail report to Public Health England 66

- Witness statement form 67

1

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 : Over 18
(If over 16, state 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 make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: Dated the day of 20

Signature: Page of

CIEH_HPR2010_Pt2A_Orders_General_WSF.doc

2

STATEMENT OF WITNESS
Criminal Procedure Rules r27.1 (1);
Criminal Justice Act 1967 s9;
Magistrates' Courts Act 1980, s.5B

Continuation of Statement of

Signature: Page of

CIEH_HPR2010_Pt2A_Orders_General_WSF.doc

3

STATEMENT OF WITNESS
Criminal Procedure Rules r27.1 (1);
Criminal Justice Act 1967 s9;
Magistrates' Courts Act 1980, s.5B

EXHIBIT LIST

(Initials / number)	(Description of exhibit)	(Where held)

Signature: Page of

CIEH_HPR2010_Pt2A_Orders_General_WSF.doc

Main contents

