



PUBLIC HEALTH (AMENDMENT) BILL 2013

EXPLANATORY NOTES

These notes are circulated for the information of Members with the approval of the Member in charge of the Bill, Mr P A Gawne, MHK

1. Introduction

- 1.1 These explanatory notes relate to the Public Health (Amendment) Bill. They have been prepared by the Department of Environment, Food and Agriculture ("the Department") in order to assist readers of the Bill. They do not form part of the Bill and have not been endorsed by the House of Keys.
- 1.2 The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill.

2. Background

- 2.1 This Bill is promoted by the Department.
- 2.2 It is intended to introduce amendments to the Public Health Act 1990 (the "1990 Act") in order to enable the Island to comply with International Health Regulations in relation to diseases.

3. Overview of Clauses

- 3.1 Clause 1 gives the resultant Act its short title.
- 3.2 Clause 2 sets out the commencement provisions for the Bill: sections 1 and 2 come into operation on the announcement of Royal Assent, whilst the substantive provisions will come into operation on a day or days appointed by order.
- 3.3 Clause 3 provides for the automatic repeal of the Bill once it has been promulgated and the remaining amendments come into force.
- 3.4 Clause 4 introduces amendments to the 1990 Act.
- 3.5 Clause 5 repeals Part II of the 1990 Act.

- 3.6 Clause 6 inserts Part IIA into the 1990 Act. This Part replaces current provisions in the 1990 Act concerning public health protection which were contained in Part II. This Part provides a comprehensive set of public health measures to help prevent and control the spread of serious diseases caused by infection and contamination from chemicals or radiation. It also permits the Department to give effect in the Island to the International Health Regulations 2005 ("IHR 2005") adopted by the World Health Organisation ("WHO") in 2007. The IHR 2005 are the means by which the WHO aims to prevent and control the international spread of disease, in ways which are commensurate with and restricted to the public health risks and which avoid unnecessary interference with international traffic and trade. This will enable the Department to take, where appropriate, the action that is allowed, or might be recommended by WHO, under the IHR 2005.

The introduced Part also provides for responses to specific problems that may arise in relation to diseases. Such responses are to be proportionate, and example of this is where a specified infectious disease is identified a justice of the peace may instruct that the person infected be removed to and detained in hospital. The new provisions will enable the infected person, where appropriate, to simply stay in their own home with the appropriate medical support until the risk of passing on the infection has passed.

- 3.7 Clause 7 substitutes section 92 of the 1990 Act dealing with the application of the Act to aircraft as well as ships. It enables the Department to control aircraft and vessels in the Island, or lying in the Island's territorial waters, where disease or contamination is suspected.
- 3.8 Clause 8 inserts Part VI into the 1990 Act and makes provision for enforcement of the provisions of the Act. This concerns such things as inspection, entry to premises, power to ask questions and warrants. It also stipulates when an offence has been committed under specific provisions of the Act in relation to public health issues.
- 3.9 Clauses 9 and 10 creates a new Part VII from existing provisions in the Act. This Part concerns the relationship between the 1990 Act and the Local Government Act 1985
- 3.10 Clause 11 amends Schedule 4 of the 1990 Act to include the penalties that may be imposed for failure to comply with restrictions under the newly inserted sections 51P(1) and 92H occurs.
- 3.11 Clause 12 is a consequential repeal of section 4 of the Local Government (Miscellaneous Provisions) Act 2001.