

Review of the Public Health (Control of Disease) Act 1984

The Department of Health has recently published a consultation paper setting out the Government's proposals for changes to the Public Health (Control of Disease) Act 1984.

It has been recognised for sometime that the 1984 Act should be reviewed, the legislative provisions having been developed in a piecemeal manner over a long period. The publication of the consultation document reflects the fact that the modern healthcare environment requires the introduction of new legislation with a more modern and flexible approach to the public health matters that the 1984 Act has addressed to date, in particular, measures to prevent or minimise the spread of infection and diseases.

The law has progressively seen much greater recognition of the individual rights of people, via the Human Rights Act 1988 and the Data Protection Act 1998, with particular emphasis on the importance of respecting confidentiality in relation to medical information; these developments have all occurred since the introduction of

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April 2007

the 1984 Act. This is one of the reasons why the Government considers a review and revision of the current legislation on public health is necessary.

The 1984 Act is regarded in some ways as being inflexible to address issues of public health. For example, as the consultation document points out, currently the only actions that a Justice of the Peace can order in relation to a person who is suffering from specified infectious disease are that he be removed to and detained in hospital. However, such an action may not now be regarded as proportionate or appropriate; it might be sufficient simply to require the person concerned to stay in his own home (with appropriate support from the health service) until the risk of infecting others has passed.

The consultation document also contemplates that the legislation on public health be extended to include the contamination by deliberate or accidental release of chemicals or radiation as well as infectious disease.

The consultation is open until 25 June 2007. Further details can be found on the website of the Department of Health

http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_073452.

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