

Statutory Document No. 2020/0146

*Public Health Act 1990*

## HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2020

*Approved by Tynwald:**Coming into Operation: in accordance with regulation 2*

The Department of Environment, Food and Agriculture makes the following Regulations under sections 51C, 51D, 51F and 51Q of the Public Health Act 1990.

In accordance with section 51Q(3) of that Act the Department is of the opinion that, by reason of urgency, it is necessary for these Regulations to come into operation without first being approved by Tynwald.

### 1 Title

These Regulations are the Health Protection (Notification) Regulations 2020.

### 2 Commencement

These Regulations come into operation on the day after they are made<sup>1</sup>.

### 3 Interpretation

In these Regulations —

“**causative agent**” means —

- (a) a causative agent listed in Schedule 2; or
- (b) evidence of an infection or disease caused by such an agent;

“**child**” means a person under the age of 18;

“**diagnostic laboratory**” means an institution (or facility within an institution) which is equipped with apparatus and reagents for the performance of diagnostic tests for human infections;

<sup>1</sup> Section 51Q of the Public Health Act 1990 provides that these Regulations will cease to have effect at the end of the sitting of Tynwald following that before which they are laid, unless before that time Tynwald has approved them. But if on any day during that period, on proceedings on a motion that (or to the effect that) the Regulations be so approved, Tynwald comes to a decision rejecting these Regulations, they cease to have effect at the end of that day instead.

**“director of a diagnostic laboratory”** means —

- (a) the person in charge of a diagnostic laboratory; or
- (b) any other person working in the diagnostic laboratory to whom the function of making a notification under regulation 6 has been delegated by the person mentioned in subparagraph (a);

**“incapacitated person”** means a person who has attained the age of 18 and who, at a material time, is unable to make a decision for themselves in relation to a matter because of an impairment of, or disturbance in, the functioning of the mind or brain;

**“notifiable disease”** means a disease listed in Schedule 1;

**“operator of a diagnostic laboratory”** means the corporate body that operates the diagnostic laboratory or, if there is no such body, the director of the diagnostic laboratory;

**“proper officer”** means the Director of Public Health or an officer appointed by the Director of Public Health;

**“responsible adult”** means, in relation to a child, a person with parental responsibility for the child (within the meaning of the Children and Young Persons Act 2001) or a person who has custody or charge of the child for the time being; and

**“responsible person”** means, in relation to an incapacitated person, a person appointed by that incapacitated person, a court or someone with authority to do so, to manage the incapacitated person’s affairs.

#### **4 Duty to notify suspected disease, infection or contamination in patients**

- (1) A registered medical practitioner (R) must notify the proper officer where R has reasonable grounds for suspecting that a patient (P) whom R is attending —
  - (a) has a notifiable disease;
  - (b) has an infection which, in the view of R, presents or could present significant harm to human health; or
  - (c) is contaminated in a manner which, in the view of R, presents or could present significant harm to human health.
- (2) The notification must include the following information insofar as it is known to R —
  - (a) P’s name, date of birth and sex;
  - (b) P’s home address including postcode;
  - (c) P’s current residence including postcode (if not home address);
  - (d) P’s telephone number;
  - (e) P’s NHS number;

- (f) P's occupation (if R considers it relevant);
  - (g) the name, address and postcode of P's place of work or education (if R considers it relevant);
  - (h) P's relevant overseas travel history;
  - (i) P's ethnicity;
  - (j) contact details for a responsible adult of P (where P is a child);
  - (k) contact details for a responsible person of P (where P is an incapacitated person);
  - (l) the disease or infection which P has or is suspected of having or the nature of P's contamination or suspected contamination;
  - (m) the date of onset of P's symptoms;
  - (n) the date of R's diagnosis; and
  - (o) R's name, address and telephone number.
- (3) The notification must be in writing or by e-mail and provided within 3 days beginning with the day on which R forms a suspicion under paragraph (1), but if R considers the case to be urgent, notification must be provided orally as soon as reasonably practicable.
- (4) In determining whether the case is urgent, R must have regard to –
- (a) the nature of the suspected disease, infection or contamination;
  - (b) the ease of spread of that disease, infection or contamination;
  - (c) the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
  - (d) P's circumstances (including age, sex and occupation).
- (5) This regulation does not apply where R reasonably believes that the proper officer has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this regulation.

## **5 Duty to notify suspected disease, infection or contamination in dead persons**

- (1) A registered medical practitioner (R) must notify the proper officer where R has reasonable grounds for suspecting that a person (P) whom R is attending has died whilst –
- (a) infected with a notifiable disease;
  - (b) infected with a disease which, in the view of R, presents or could present, or presented or could have presented (whilst P was alive), significant harm to human health; or

- (c) contaminated in a manner which, in the view of R, presents or could present, or presented or could have presented (whilst P was alive), significant harm to human health.
- (2) The notification must include the following information insofar as it is known to R —
- (a) P's name, date of birth and sex;
  - (b) P's date of death;
  - (c) P's home address including postcode;
  - (d) P's place of residence including postcode at time of death (if different from home address);
  - (e) P's NHS number;
  - (f) P's occupation at time of death (if R considers it relevant);
  - (g) the name, address and postcode of P's place of work or education at the time of death (if R considers it relevant);
  - (h) P's relevant overseas travel history;
  - (i) P's ethnicity;
  - (j) the disease or infection which P had or is suspected of having had or the nature of P's contamination or suspected contamination;
  - (k) the date of onset of P's symptoms;
  - (l) the date of R's diagnosis; and
  - (m) R's name, address and telephone number.
- (3) The notification must be in writing or by e-mail and provided within 3 days beginning with the day on which R forms a suspicion under paragraph (1), but if R considers that the case is urgent, notification must be provided orally as soon as reasonably practicable.
- (4) In determining whether the case is urgent, R must have regard to —
- (a) the nature of the suspected disease, infection or contamination;
  - (b) the ease of spread of that disease, infection or contamination;
  - (c) the ways in which the spread of the disease, infection or contamination can be prevented or controlled; and
  - (d) P's circumstances (including age, sex and occupation).
- (5) This regulation does not apply where R reasonably believes that the proper officer has already been notified with regard to P and the suspected disease, infection or contamination by another registered medical practitioner in accordance with this regulation or regulation 4(1).

## 6 Duty to notify causative agents found in human samples

- (1) The operator of a diagnostic laboratory must notify the Director of Public Health in accordance with this regulation where a causative agent in a human sample is identified.
- (2) The notification must include the following information insofar as it is known to the operator of the diagnostic laboratory —
  - (a) name and address of the diagnostic laboratory;
  - (b) details of the causative agent identified;
  - (c) date of the sample;
  - (d) nature of the sample;
  - (e) name of the person (P) from whom the sample was taken;
  - (f) P's date of birth and sex;
  - (g) P's current home address including postcode;
  - (h) P's current residence including postcode (if not home address);
  - (i) P's ethnicity;
  - (j) P's NHS number; and
  - (k) the name, address and organisation of the person who solicited the test which identified the causative agent.
- (3) The notification must be in writing or by e-mail and provided within 7 days beginning with the day on which the causative agent is identified, but if the operator of the diagnostic laboratory considers that the case is urgent, the notification must be provided orally as soon as reasonably practicable.
- (4) In determining whether the case is urgent, the operator of the diagnostic laboratory must have regard to —
  - (a) the nature of the causative agent;
  - (b) the nature of the disease which the causative agent causes;
  - (c) the ease of spread of the causative agent;
  - (d) the ways in which the spread of the causative agent can be prevented or controlled; and
  - (e) where known, P's circumstances (including age, sex and occupation).
- (5) This regulation does not apply where the operator of the diagnostic laboratory reasonably believes that the Director of Public Health has already been notified in accordance with this regulation by the operator of another diagnostic laboratory in relation to the same causative agent being found in a sample from the same person.

- (6) For the purpose of paragraph (1), a diagnostic laboratory identifies a causative agent where —
  - (a) it identifies that agent; or
  - (b) that agent is identified by another laboratory under an arrangement made with that diagnostic laboratory.
- (7) Where paragraph (6)(b) applies, the day on which the causative agent is identified for the purposes of paragraph (3), is the day on which the diagnostic laboratory became aware of the identification by the other laboratory.
- (8) It is an offence for the operator of a diagnostic laboratory to fail without reasonable excuse to comply with this regulation.
- (9) Any person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **7 Duty to provide information to the Director of Public Health**

- (1) This regulation applies where a notification has been made by the operator of a diagnostic laboratory to the Director of Public Health under regulation 6.
- (2) The Director of Public Health may request that the person (R) who solicited the laboratory test which identified the causative agent to which the notification relates, provide to him or her the information listed in regulation 6(2) insofar as that information was not included in the notification.
- (3) R must provide the information requested under paragraph (2) insofar as it is known to R.
- (4) The information must be in writing or by e-mail and provided within 3 days beginning with the day on which the request is made, but if the Director of Public Health considers the case to be urgent and informs R of this fact when making the request, the information must be provided orally as soon as reasonably practicable.
- (5) In determining whether the case is urgent the Director of Public Health must have regard to —
  - (a) the nature of the causative agent to which the notification relates;
  - (b) the nature of the disease which the causative agent causes;
  - (c) the ease of spread of the causative agent;
  - (d) the ways in which the spread of the causative agent can be prevented and controlled; and
  - (e) where known, the particulars of the person from whom the sample was taken (including age, sex and occupation).

**MADE 13 MARCH 2020**

**GEOFFREY BOOT**

*Minister for Environment, Food and Agriculture*





**SCHEDULE 1****NOTIFIABLE DISEASES***Regulation 3*

Acute encephalitis  
Acute meningitis  
Acute poliomyelitis  
Acute infectious hepatitis  
Anthrax  
Botulism  
Brucellosis  
Cholera  
COVID-19  
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

**SCHEDULE 2**  
**CAUSATIVE AGENTS**

*Regulation 3*

*Bacillus anthracis*  
*Bacillus cereus* (only if associated with food poisoning)  
*Bordetella pertussis*  
*Borrelia* spp  
*Brucella* spp  
*Burkholderia mallei*  
*Burkholderia pseudomallei*  
*Campylobacter* spp  
Chikungunya virus  
*Chlamydomphila psittaci*  
*Clostridium botulinum*  
*Clostridium perfringens* (only if associated with food poisoning)  
*Clostridium tetani*  
*Corynebacterium diphtheriae*  
*Corynebacterium ulcerans*  
*Coxiella burnetii*  
Crimean-Congo haemorrhagic fever virus  
*Cryptosporidium* spp  
Dengue virus  
Ebola virus  
*Entamoeba histolytica*  
*Francisella tularensis*  
*Giardia lamblia*  
Guanarito virus  
*Haemophilus influenzae* (invasive)  
Hanta virus  
Hepatitis A, B, C delta and E viruses  
Influenza virus  
Junin virus  
Kyasanur Forest disease virus  
Lassa virus

*Legionella spp*  
*Leptospira interrogans*  
*Listeria monocytogenes*  
Machupo virus  
Marburg virus  
Measles virus  
Mumps virus  
*Mycobacterium tuberculosis* complex  
*Neisseria meningitidis*  
Omsk haemorrhagic fever virus  
*Plasmodium falciparum, vivax, ovale, malariae, knowlesi*  
Polio virus (wild or vaccine types)  
Rabies virus (classical rabies and rabies-related lyssaviruses)  
*Rickettsia spp*  
Rift Valley fever virus  
Rubella virus  
Sabia virus  
*Salmonella spp*  
SARS coronavirus  
SARS-CoV 2  
*Shigella spp*  
*Streptococcus pneumoniae* (invasive)  
*Streptococcus pyogenes* (invasive)  
Varicella zoster virus  
Variola virus  
Verocytotoxigenic *Escherichia coli* (including *E.coli* O157)  
*Vibrio cholerae*  
West Nile Virus  
Yellow fever virus  
*Yersinia pestis*

***EXPLANATORY NOTE***

*(This note is not part of the Regulations)*

These Regulations require certain persons, specifically registered medical practitioners, to disclose specified information to the Director of Public Health (or a person nominated by him or her). The purpose of such disclosures is to prevent, protect against, control or provide a public health response to the incidence or spread of disease, infection or contamination in the Island (whether from risks originating in the Island or elsewhere).

Regulation 4 places an obligation on registered medical practitioners to notify the Director of Public Health (or a duly appointed officer) if a patient they are attending to has a disease listed in Schedule 1, an infection or is otherwise contaminated in a manner which presents or could present significant harm to human health.

Regulation 5 places an obligation on registered medical practitioners to notify the Director of Public Health (or a duly appointed officer) if a patient they are attending to has died whilst infected with a disease or is contaminated in a manner which presents or could do a significant harm to human health.

Regulation 6 obliges the operators of diagnostic laboratories to notify the Director of Public Health if they identify an agent responsible for the development of a disease, or evidence of such an agent, in a human sample.

Regulation 7 enables the Director of Public Health to request from the person who solicited the laboratory test the information listed in regulation 6(2) insofar as that information was not included in the original notification.