WELSH STATUTORY INSTRUMENTS

2010 No. 1546 (W.144)

PUBLIC HEALTH, WALES

The Health Protection (Notification) (Wales) Regulations 2010

Made - - - -	*8 June 2010*
Laid before the National Assembly for Wales - -	*10 June 2010*
Coming into force	
for the purpose of all regulations except regulation 4	*26 July 2010*
for the purpose of regulation 4	*1 October 2010*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 13, 45C(1), (2) and (3)(a), 45F(2)(a) and (b), 45P(2) and 60A of the Public Health (Control of Disease) Act 1984 [F1].

In accordance with section 45Q(3) of the Public Health (Control of Disease) Act 1984, the Welsh Ministers declare that they are of the opinion that these Regulations do not contain any provision made by virtue of section 45C(3)(c) of that Act which imposes or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person's rights.

F1 1984 c. 22. Functions of the Secretary of State under section 13, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32). *See* section 45T(6) of that Act for the definition of "the appropriate Minister". Sections 45C, 45F, 45P and 45T were inserted into that Act by section 129 of the Health and Social Care Act 2008 (c. 14) ("the 2008 Act") and section 60A was inserted into the Act by section 130 and Schedule 11, paragraph 16 of the 2008 Act.

Title, commencement and application

1.—(1) The title of these Regulations is the Health Protection (Notification) (Wales) Regulations 2010 and they come into force—

(a) for the purposes of all regulations except regulation 4 on 26 July 2010; and

(b) for the purposes of regulation 4 on 1 October 2010.

(2) These Regulations apply in relation to Wales.

Duty to notify suspected disease, infection or contamination in patients

2.—(1) A registered medical practitioner (R) must notify the proper officer [F2] of the relevant local authority where R has reasonable grounds for suspecting that a patient (P) whom R is attending—

(a) has a notifiable disease;

(b) has an infection [F3] which, in the view of R, presents or could present significant harm to human health; or

(c) is contaminated [F4] 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 (if not home address);

(d) P's telephone number;

(e) P's NHS number;

(f) P's occupation;

(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 parent of P (where P is a child);

(k) the disease or infection which P has or is suspected of having or the nature of P's contamination or suspected contamination;

(l) the date of onset of P's symptoms;

(m) the date of R's diagnosis; and

(n) R's name, address and telephone number.

(3) The notification must be provided in writing within 3 days beginning with the day on which R forms a suspicion under paragraph (1).

(4) Without prejudice to paragraph (3), if R considers that the case is urgent, notification must be provided orally as soon as reasonably practicable.

(5) 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).

(6) This regulation does not apply where R reasonably believes that the proper officer of the relevant local authority 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.

(7) In this regulation—

"child" ("*plentyn*") means a person under the age of 18 years;

"notifiable disease" ("*clefyd hysbysadwy*") means a disease or syndrome listed in Schedule 1;

"parent" ("*rhiant*") has the meaning given to it by section 576 of the Education Act 1996 [F5]; and

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority within whose area R attended P on the occasion of forming a suspicion under paragraph (1).

F2 *See* section 74 of the Public Health (Control of Disease) Act 1984 (c. 22) ("the 1984 Act") for the definition of "proper officer".
F3 *See* section 45A of the 1984 Act for the interpretation of "infection".
F4 *See* section 45A of the 1984 Act for the interpretation of "contamination" and related expressions.
F5 1996 c. 56.

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

3.—(1) A registered medical practitioner (R) must notify the proper officer of the relevant local authority 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 (when 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 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 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 provided in writing within 3 days beginning with the day on which R forms a suspicion under paragraph (1).

(4) Without prejudice to paragraph (3), if R considers that the case is urgent, notification must be provided orally as soon as reasonably practicable.

(5) 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).

(6) This regulation does not apply where R reasonably believes that the proper officer of the relevant local authority 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 2(1).

(7) In this regulation—

"notifiable disease" ("*clefyd hysbysadwy*") has the same meaning it has in regulation 2; and

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority within whose area R attended P on the occasion of forming a suspicion under paragraph (1).

Duty to notify causative agents found in human samples

4.—(1) The operator of a diagnostic laboratory must notify the proper officer of the relevant local authority in accordance with this regulation where the diagnostic laboratory identifies a causative agent in a human sample.

(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 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 (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 provided in writing within 7 days beginning with the day on which the causative agent is identified.

(4) Without prejudice to paragraph (3), if the operator of the diagnostic laboratory considers that the case is urgent, the notification must be provided orally as soon as reasonably practicable.

(5) 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).

(6) This regulation does not apply where the operator of the diagnostic laboratory reasonably believes that the proper officer of the relevant local authority 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.

[F6(6A) This regulation does not apply where the operator of a diagnostic laboratory has made a notification to Public Health Wales in accordance with regulation 4A, 4B, 4C or 4D.**]**

(7) For the purposes of paragraph (1), a diagnostic laboratory identifies a causative agent where—

(a) the diagnostic laboratory identifies the causative agent; or

(b) the causative agent is identified by another laboratory under an arrangement made with that diagnostic laboratory.

(8) Where paragraph (7)(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.

(9) It is an offence for the operator of a diagnostic laboratory to fail without reasonable excuse to comply with this regulation.

(10) 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.

(11) In this regulation—

"causative agent" ("*cyfrwng achosol*") means—

(a) a causative agent listed in Schedule 2, or

(b) evidence of an infection caused by such an agent;

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

"director of a diagnostic laboratory" ("*cyfarwyddwr labordy diagnostig*") means—

(a) the clinical microbiologist, consultant pathologist or other registered medical practitioner or other 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 this regulation has been delegated by the person mentioned in sub-paragraph (a);

"operator of a diagnostic laboratory" ("*gweithredwr labordy diagnostig*") means the corporate body that operates the diagnostic laboratory or, if there is no such body, the director of the diagnostic laboratory; and

[F7"Public Health Wales" ("*Iechyd Cyhoeddus Cymru*") means Public Health Wales National Health Service Trust;**]**

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority within whose area the organisation of the person who solicited the test which identified the causative agent is situated.

F6 Reg. 4(6A) inserted (21.9.2021) by The Health Protection (Coronavirus, International Travel and Notification) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1063), regs. 1(3), **10(a)**

F7 Words in reg. 4(11) inserted (21.9.2021) by The Health Protection (Coronavirus, International Travel and Notification) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1063), regs. 1(3), **10(b)**