

Public Health (Control of Disease) Act 1984 (Amendment) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Amend the Public Health (Control of Disease) Act 1984 to make provision about Parliamentary scrutiny of regulations made under that Act; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Parliamentary scrutiny of domestic health protection regulations

(1) Section 45D of the Public Health (Control of Disease) Act 1984 (restrictions on power to make regulations under section 45C) is amended as follows.

(2) After subsection (1), insert—

“(1A) In the case of English regulations, the appropriate Minister must lay before Parliament a statement that the restriction or requirement is proportionate under subsection (1).” 5

(3) After subsection (2), insert—

“(2A) In the case of English regulations, that proportionality must be demonstrated by a regulatory impact assessment that has been laid before Parliament.” 10

(4) After subsection (5) insert—

“(6) In this section, “English regulations” means regulations made by the Secretary of State.”

2 Certain health protection regulations to be amendable 15

(1) Section 45Q of the Public Health (Control of Disease) Act 1984 (Parliamentary control) is amended as follows.

(2) In subsection (4)(a) (procedure for English regulations), omit from “a draft” to the end of the paragraph and insert—

“the regulations have been made in accordance with the procedure in subsection (4A).” 20

- (3) After subsection (4) insert –

“(4A) That procedure is that before such regulations may be made, a draft of the statutory instrument containing them shall be laid before each House of Parliament for a period of not less than twenty days on which that House has sat, and, if either House before the expiration of that period presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon (but without prejudice to the making of a new draft statutory instrument) and that part of the draft shall not have effect unless both Houses by resolution approve it, or, if any modifications in that part are agreed to by both Houses, except as so modified.”

3 Extent, commencement and short title

- (1) Any amendment made by this Act has the same extent as the provision amended.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Public Health (Control of Disease) Act 1984 (Amendment) Act 2021.

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*Presented by Sir Christopher Chope
supported by*

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