



Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

Review of the Public Health Act (Northern Ireland) 1967

Consultation Questionnaire

RESPONDING TO THE CONSULTATION

Please use this questionnaire to tell us your views on the draft document.

Please send your response by Friday 18 December 2015 to:

phdconsultation@dhsspsni.gov.uk, or to

Health Protection Branch
Room C4.22
Castle Buildings
Stormont Estate
BELFAST BT4 3SQ

Please note that paragraph reference at each question refers to the Technical Supplement, not the main consultation document. Both documents are available at: http://www.dhsspsni.gov.uk/index/consultations/current_consultations.htm.

CONFIDENTIALITY AND ACCESS TO INFORMATION LEGISLATION

The Department will publish a summary of responses following completion of the consultation. Your response and all other responses to the consultation may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely DHSSPS in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Secretary of State for Constitutional Affairs' Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature, and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about the confidentiality of responses please contact the Information Commissioner's Office.

Information Commissioner's Office Northern Ireland

51 Adelaide Street
Belfast, BT2 8FE

Tel: 028 9026 9380

Fax: 028 9026 9388

Email: ni@ico.gsi.gov.uk

Website: www.informationcommissioner.gov.uk

ABOUT YOU

Consultee's details

I am responding as... *(Please tick appropriate option)*

a member of the public;

a professional / practitioner working with children, young people and families *(Please specify which area / sector)*

Health and Social Care

Education

Justice

Other.....*(Please specify)*;

on behalf of an organisation, or

other.....*(Please specify)*.

Please enter your details below.

Name:	
Job Title: <i>(if applicable)</i>	
Organisation: <i>(if applicable)</i>	
Address:	
City/Town:	
Postcode:	
Email Address:	

PRINCIPLES, STATEMENT OF INTENT AND OBJECTIVES (See paragraphs 6.5 – 6.10)

Q1. Should new legislation include:

- (i) a set of principles;
- (ii) a statement of intent;
- (iii) a list of objectives;
- (iv) a combination of any of the above, or
- (v) none of the above?

Please give reasons for your response.

ALL HAZARDS

(See paragraphs 6.11 – 6.19)

Q2: How could new legislation best be future-proofed in order to protect the public's health against threats that are as yet unknown?

ALL HAZARDS*(See paragraphs 6.11 – 6.19)*

Q3: In new legislation, what categories of threat to human health should be grounds for state interventions? Such categories could include ‘contamination’, ‘infectious diseases’ and ‘health risk state’

ORGANISATIONAL RESPONSIBILITIES*(See paragraphs 6.23 – 6.29)*

Q4: Should new legislation describe, for Ministers and for each of the statutory bodies concerned, their functions, duties and powers in relation to public health?

POWERS OF ENTRY AND INVESTIGATION

(See paragraphs 6.32 – 6.35)

Q5: What powers should statutory agencies have to investigate public health risks?

POWERS OF ENTRY AND INVESTIGATION

(See paragraphs 6.32 – 6.35)

Q6: What powers should statutory agencies have to enter premises?

QUARANTINE, ISOLATION AND DETENTION

(See paragraphs 6.36 – 6.40)

Q7: What powers, if any, should statutory agencies have to quarantine individuals, and how should such powers be limited and controlled?

QUARANTINE, ISOLATION AND DETENTION

(See paragraphs 6.36 – 6.40)

Q8: What powers, if any, should statutory agencies have to isolate individuals, and how should such powers be limited and controlled?

QUARANTINE, ISOLATION AND DETENTION*(See paragraphs 6.36 – 6.40)*

Q9: What powers, if any, should statutory agencies have to detain individuals, and how should such powers be limited and controlled?

COMPULSORY MEDICAL TREATMENT*(See paragraphs 6.41 – 6.43)*

Q10: Are there any circumstances in which compulsory medical treatment would be justified? Please give reasons for your response.

EMPLOYMENT AND RESTRICTION ON SALES

(See paragraphs 6.44 – 6.48)

Q11: Where it is deemed necessary to place employment restrictions on a person or premises, in order to protect the public's health, what restrictions would be legitimate and proportionate?

CLEANSING AND DISINFECTION OF PREMISES, ARTICLES AND PERSONS

(See paragraph 6.49)

Q12(a): Should new legislation contain provisions for public health measures in relation to premises and things, with powers to disinfect, disinfest and decontaminate?

Q12(b): Should equivalent provisions apply to persons?

EMERGENCY POWERS*(See paragraphs 6.51 - 6.52)*

Q13: Should new legislation include provision for emergency subordinate legislation? Please provide reasons for your response

DECEASED PERSONS*(See paragraphs 6.53 – 6.54)*

Q14: What powers should be conferred upon a statutory agency to restrict the removal of the body of a deceased person from any place?

DECEASED PERSONS*(See paragraphs 6.53 – 6.54)*

Q15: If a person is restricted from removing the body of a deceased person, should that person have a statutory right to a timely explanation as to why they may not remove the body?

COMPULSORY MEDICAL EXAMINATION*(See paragraphs 6.56 – 6.64)*

Q16: What powers, if any, should statutory agencies have to subject individuals to compulsory medical examination, and how should such powers be limited and controlled?

PROTECTING INDIVIDUALS

(See paragraphs 6.56 – 6.64)

Q17: How should new legislation safeguard a person’s rights of review and appeal from public health orders?

PROTECTING INDIVIDUALS

(See paragraphs 6.56 – 6.64)

Q18: Whenever a person is being detained, quarantined, isolated or required to undergo compulsory medical examination or treatment, should they have a statutory right to a timely explanation of the interference with their rights?

PROTECTING INDIVIDUALS

(See paragraphs 6.65 – 6.67)

Q19: The Department would welcome your ideas on

- (a) how best to balance, on the one hand, the need to protect the public’s health, and, on the other hand, the rights, needs and dignity of the individual, and**
- (b) how best to ensure that, where an intervention impinges on a person’s rights, the interference is proportionate to the threat to public health.**

GAPS AND DEFICIENCIES FOR REFORM

Q20: The Department has identified a number of apparent or possible gaps and deficiencies in the Public Health Act (Northern Ireland) 1967. The Department would welcome your views on what issues or gaps – whether identified in this document or not – should be considered for future possible reforms to the 1967 Act.

OPTIONS FOR REFORM

(See paragraphs 7.4 – 7.6)

Q21: Should a public health bill for Northern Ireland be in the form of an amending bill, i.e. one that would make multiple amendments to the 1967 Act, or a ‘fresh start’ bill that would be a combination of new provisions and ‘savings’ from the 1967 Act?

OPTIONS FOR REFORM

(See paragraphs 7.4 – 7.6)

Q22: The Department would welcome any observations on the two options for reform.

ANY OTHER MATTERS

The Department would welcome any other views, issues or proposals that you wish to raise and which may not correspond directly to any of the questions above.

STATUTORY EQUALITY DUTIES

With the exception of the intention to adopt the 'all hazards' approach, this consultation document is concerned with questions rather than with proposals for reform. When the review of the 1967 Act has been completed the Department will bring forward specific, detailed proposals for reforming public health law in Northern Ireland. Those proposals will be the subject of a second public consultation before a public health bill is introduced in the Assembly. As the second consultation will be about concrete proposals it will be possible then to include detailed consideration of the statutory equality duties and any potential adverse impacts on any groups of people that may be defined by reference to the nine distinctions in section 75 of the Northern Ireland Act 1998. The second consultation will therefore help to inform the equality-screening of each proposal for reform.

Thank you for responding to this consultation.