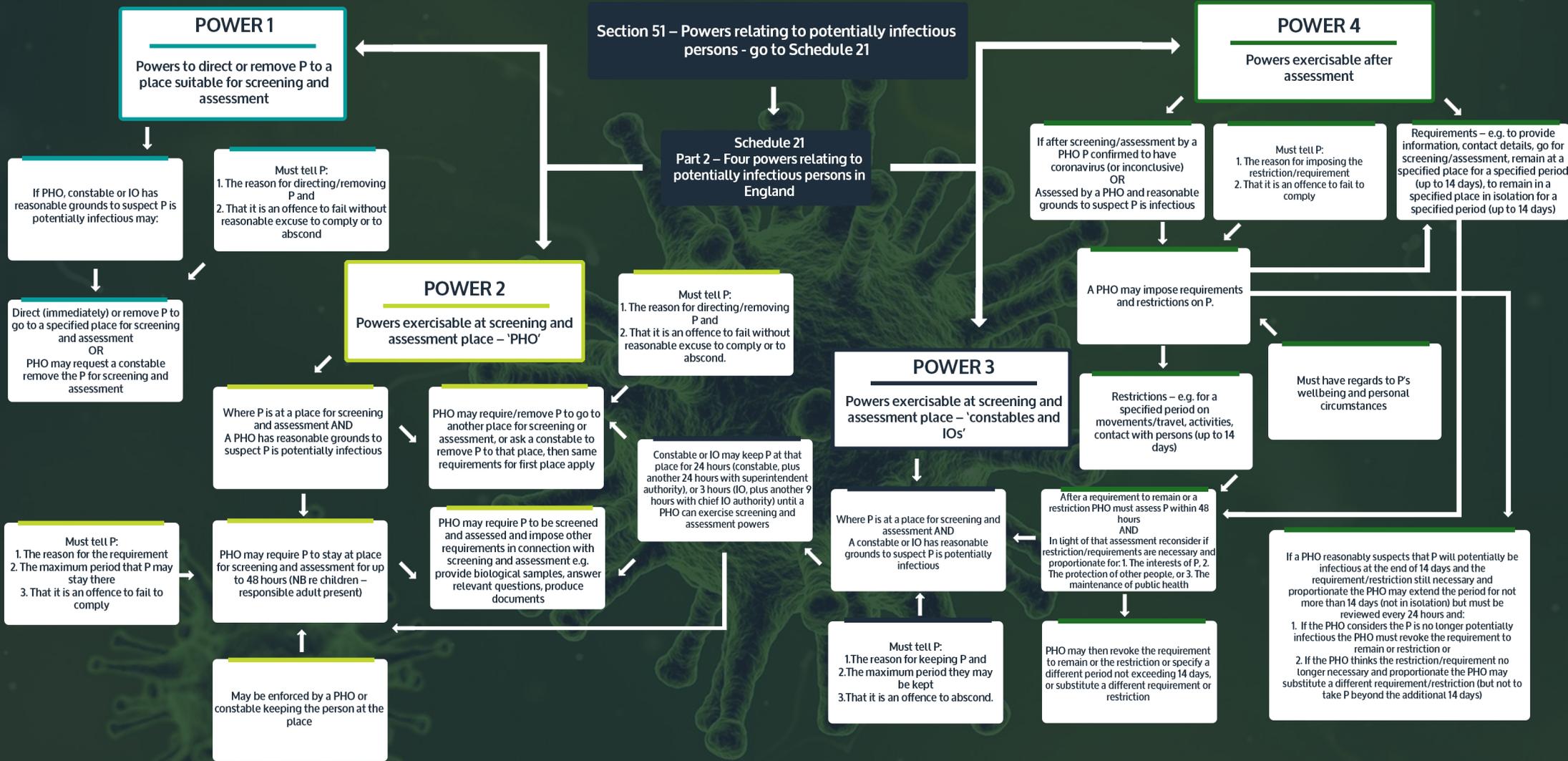


Section 51/Schedule 21 - Powers relating to potentially infectious persons



PHO = Public Health Officer
IO = Immigration Officer
P = Person
CV = Coronavirus

Updated 3/4/2020. All information correct at the time of publishing and is subject to change.
Please get in touch with us for more detailed advice.
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General points

- 1 Children – under 18 – the responsible adult must so far as reasonably practicable secure the child complies
- 2 Any schedule 21 direction/requirement/restriction may be given orally or in writing
- 3 Where a restriction or requirement imposed orally by a PHO, must as soon as reasonably practicable give the notice in writing
- 4 Where a restriction or requirement is imposed may appeal to a magistrate's court
- 5 If the SoS views that the incidence/transmission of coronavirus constitutes a 'serious and imminent threat' to public health in England, and the powers in Schedule 21 will be effective means of delaying or preventing significant further transmission, the SoS may make a declaration to that effect - can be revoked and redeclared at a later date, the period in which declaration made/active is called the 'transmission control period'
- 6 Schedule 21, para 24 – The Health Protection (Coronavirus) Regulations 2020 are revoked, but any requirement/restriction imposed under the revoked Regs are not affected/regarded to be imposed under Schedule 21 of the Act
- 7 P is 'potentially infectious' at any time if:
 - 7.1 Is, or may be, infected with coronavirus AND is a risk might infect others with CV, or
 - 7.2 Has been in an infected area within 14 days outside the UK – the SoS to declare such areas
- 8 'Screening' means:
 - 8.1 Assessing the extent to which P have been exposed to coronavirus
 - 8.2 determining if P is infected/contaminated with coronavirus
 - 8.3 assessing P's symptoms and state of health
- 9 If there is a requirement to remain a constable or PHO may enforce by removing the person to the place, keeping the person at the place, if P absconds by taking to custody and then to that or another place
- 10 Where a power is exercised it may only be done so if considered necessary and proportionate to do so for: 1) the interests of P, 2) the protection of other people, or 3) the maintenance of public health (and if a constable or IO is exercising the power there must consult a PHO first if practicable)
- 11 There is wide ranging power on the police to enforce Schedule 21:

