



STATUTORY INSTRUMENTS.

**S.I. No. 559 of 2007**



INFECTIOUS DISEASES (AMENDMENT) REGULATIONS 2007

**(Prn. A7/1479)**

## INFECTIOUS DISEASES (AMENDMENT) REGULATIONS 2007

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by sections 5 and 29 of the Health Act 1947 (No. 28 of 1947) and by section 31 of the said Act, as amended by section 34 of the Health Act 1953 (No. 26 of 1953), hereby make the following regulations:

**PART 1 — PRELIMINARY AND GENERAL**

1. These Regulations may be cited as the Infectious Diseases (Amendment) Regulations 2007.
2. The Regulations shall come into operation on 27th July 2007.
3. In these Regulations—

“Principal Regulations” means the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981), as amended by the Infectious Diseases (Amendment) Regulations 1985 (S.I. No. 268 of 1985), the Infectious Diseases (Amendment) Regulations 1988 (S.I. No. 288 of 1988), the Infectious Diseases (Amendment) Regulations 1996 (S.I. No. 384 of 1996), the Infectious Diseases (Amendment) Regulations 2000 (S.I. No. 151 of 2000), the Infectious Diseases (Amendment) Regulations 2003 (S.I. No. 115 of 2003), the Infectious Diseases (Amendment) (No.2) Regulations 2003 (S.I. No. 180 of 2003), the Infectious Diseases (Amendment) (No. 3) Regulations 2003 (S.I. No. 707 of 2003) and the Infectious Diseases (Amendment) Regulations 2004 (S.I. No. 865 of 2004).

**PART 2 — AMENDMENTS TO THE PRINCIPAL REGULATIONS**

4. (1) Regulation 2 of the Principal Regulations, as amended by the Infectious Diseases (Amendment) Regulations 2004 (S.I. No. 865 of 2004), is further amended, as follows:

by substituting for the definition of “medical officer of health” the following:

“the expression ‘medical officer of health’ shall be construed in accordance with paragraph 4 of Schedule 5 of the Health Act, 2004”.

- (2) Regulation 5 of the Principal Regulations is amended by substituting the following for the existing regulation:

“These Regulations shall be enforced by the Health Service Executive in its functional areas”.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd August, 2007.*

(3) Regulation 8 of the Principal Regulations, as amended by the Infectious Diseases (Amendment) Regulations 2003 (S.I. No. 707 of 2003), is further amended by the insertion before “Paratyphoid” of “Influenza where it is Influenza of a new or re-emergent subtype”.

(4) Regulation 10 of the Principal Regulations is amended by substituting the following for the existing regulation:

“(1) The Health Service Executive shall make arrangements for the diagnosis and treatment of infectious diseases in persons in its functional areas.

(2) Subject to the provisions of sub-regulations (3) and (4) of this Regulation, no charge shall be made by the Health Service Executive for any services (including institutional services) provided by it in the performance of its duties under sub-regulation (1) of this Regulation.

(3) Where institutional services, which are provided in a private or semi-private ward are provided for a person suffering from an infectious disease at the request of such person or of the person in charge of him, the provisions of sub-regulation (2) of this Regulation shall not apply.

(4) Nothing in sub-regulation (2) of this Regulation shall affect any agreement with an authority in another State for the making of payments to the Health Service Executive for the treatment of infectious diseases”.

(5) Regulation 13(1) of the Principal Regulations is amended by substituting the following for the existing regulation:

“(1) The Health Service Executive may, from time to time, in accordance with the advice of a medical officer of health and shall, if required by the Minister, do all or any of the following things:—

(a) purchase and keep a supply of such agents and ancillary instruments and equipment as may be approved by the Minister for ascertaining whether or not a person is infected with an infectious disease or for determining susceptibility to or for increasing resistance against or for producing immunity from infection with any infectious disease;

(b) make, subject to the Minister’s approval, arrangements for the administration of any such agent to persons in each functional area of the Health Service Executive;

(c) supply any medical practitioner practising in a functional area of the Health Service Executive with any such agent on such reasonable terms or conditions as the Health Service Executive may determine”.

(6) Regulation 14(1)(b) of the Principal Regulations, as amended by the Infectious Diseases (Amendment) Regulations 2003 (S.I. No. 707 of 2003), is

further amended by the insertion before “Legionellosis” of “Influenza where it is Influenza of a new or re-emergent subtype”.

(7) Regulation 15(2)(a) of the Principal Regulations, as amended by the Infectious Diseases (Amendment) Regulations 2003 (S.I. No. 707 of 2003), is further amended by the insertion before “Legionellosis” of “Influenza where it is Influenza of a new or re-emergent subtype”.

(8) Regulation 17(1) of the Principal Regulations is amended by substituting the following for the existing regulation:

“(1) Where, under these Regulations, a medical practitioner

(a) sends a notification that a person is suffering from or is a carrier of an infectious disease or

(b) sends a notification or intimation that he suspects that a person is suffering from or is a carrier of an infectious disease and such suspicion is subsequently confirmed,

the Health Service Executive shall pay him the appropriate fee in respect of such notification or intimation”.

(9) Regulation 21 of the Principal Regulations is amended by substituting the following for the existing regulation:

“The Health Service Executive shall comply with any directions given from time to time by the Minister as to the exercise of its powers and the performance of its duties under these Regulations”.

(10) The Schedule to the Principal Regulations as amended by the Infectious Diseases (Amendment) Regulations, 1985 (S.I. No. 268 of 1985), the Infectious Diseases (Amendment) Regulations, 1988 (S.I. No. 288 of 1988) and the Infectious Diseases (Amendment) Regulations, 1996 (S.I. No. 384 of 1996) is hereby amended by the substitution of “variant Creutzfeld Jakob disease” for “nv Creutzfeld Jakob disease”.

(11) The Principal Regulations are amended by substituting for Regulations 14(2)(a) and 14(2)(b) the following:

“14(2)(a) All cases of Creutzfeld Jakob disease and variant Creutzfeld Jakob disease which are definitively diagnosed must be reported to the medical officer of health.

14(2)(b) Neither the provisions of this Regulation or of any Regulation in the Principal Regulations as amended shall apply to suspected cases of Creutzfeld Jakob disease nor variant Creutzfeld Jakob disease.”



GIVEN under my Official Seal,  
27 July 2007

MARY HARNEY,  
Minister for Health and Children.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The Health Service Executive came into existence on 1st January 2005 following the enactment of the Health Act 2004. These Regulations amend references to “Health Boards” and “functional areas of Health Boards” to read “the Health Service Executive” and “functional areas of the Health Service Executive”. The definition of “medical officer of health” is also amended in accordance with the Health Act, 2004.

These Regulations amend the Infectious Diseases Regulations, 1981 (S.I. No. 390 of 1981) as amended to include “Influenza where it is Influenza of a new or re-emergent subtype” in the exceptions listed in Regulation 8.

These Regulations amend the Infectious Diseases Regulations, 1981 (S.I. No. 390 of 1981) as amended to include “Influenza where it is Influenza of a new or re-emergent subtype” in the exceptions listed in Regulations 14(1)(b) and 15(2)(a).

Provision is hereby made for the detention and isolation of a person who is a probable source of infection of Influenza, only in such cases of Influenza, where these measures are necessary as a safeguard against the spread of infection. The list of infectious diseases for immediate preliminary notification has also been updated to include Influenza where it is Influenza of a new or re-emergent subtype.

The provision for charges for private or semi-private services in the Principal Regulations is amended with the deletion of “or which are otherwise of a type for which it is customary to make an extra charge” in Regulation 10(3).

These Regulations amend the Infectious Diseases Regulations, 1981 (S.I. No. 390 of 1981) as amended to update by substituting the disease name “variant Creutzfeld Jakob disease” for “nv Creutzfeld Jakob disease”. Variant Creutzfeld Jakob disease is now referred to in the document “Case Definitions for Notifiable Diseases” maintained by the Health Protection Surveillance Centre of the Health Service Executive.

Copies may be obtained from the Government Publications Office, Sun Alliance House, Molesworth Street, Dublin 2, or by mail order from Government Publications, Postal Trade Section, 5 St Stephen’s Green, Dublin 2. Fax: 01 647 6843.

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