

Consultation on the Public Health (Functions and General Public Health Duty) Bill 2026

Overview

Providing a legal basis for delivering public health on the Isle of Man

Acts of Tynwald provide the legal basis for the provision of public services on the Island. However, there is not a single Act of Tynwald that sets out the legal basis for Public Health. Instead, the legal basis for the provision of public health services on the Island is provided by a number of Acts of Tynwald, the main ones being:

- The **Local Government Act 1985**, which provides the legal basis for the appointment of the director of public health and the deputy director of Public Health
- The **National Health Service Act 2001**, which provides most of the legal basis for the services provided by Public Health
- The **Public Health Act 1990** and associated regulations made by the Council of Ministers, which provide the legal basis for some of the health protection activities undertaken by Public Health

This legislation does not properly encompass the wide range of services and functions undertaken by Public Health. Nor does this legislation allow flexibility for changes to these services in the future.

While Public Health was successfully transferred to Cabinet Office in 2020, it still lacks the legal powers to provide advice and guidance across government, and there is no requirement for Departments to factor public health guidance into policy setting and legislation.

Why your views matter

The work of Public Health affects all members of our Island community. We want to make sure the proposed Bill is right for you and the people you care about. Providing your views will help ensure that the Bill, and the provision of services that it will underpin, works for you.

Reasonable adjustment and alternative formats

The Department is committed to equal opportunities, and our aim is to make our documents easy to use and accessible to all.

We will take steps to accommodate any reasonable adjustment and provide such assistance as you may require to enable you to access, or reply to, this consultation.

If you would like to receive this document in another format or need assistance with accessing or replying to this consultation, please email publichealth@gov.im or call +44 1624 642639.

Sharing your feedback

The proposed Bill provides a clear legal basis for the delivery of public health services on the Island, and provides scope for these services to be changed in the future.

Your feedback is important to ensure the legal basis for these public health services is appropriate to meet the needs of the Island.

You can respond to this consultation online by clicking on the 'Online survey' link below.

Alternatively, you can download and complete the PDF version of this consultation in the 'related' section below and email it to publichealth@gov.im or print the PDF and post it to:

Public Health,
3rd Floor Markwell House,
Market Street,
Douglas,
IM1 2RJ

Handing of sensitive personal information

It is not intended for this consultation to gather any personal, medical or health information. Any details of this nature provided within the consultation will be excluded and disposed of under the [relevant Data Protection legislation and guidelines \(opens in a new tab\)](https://www.gov.im/about-the-government/data-protection-gdpr-on-the-isle-of-man/) <<https://www.gov.im/about-the-government/data-protection-gdpr-on-the-isle-of-man/>> .

What happens next

Public Health will review and analyse the responses to the consultation. This analysis will be used to identify themes, suggestions and any potential concerns with the proposed Bill. It will inform and guide any future revisions to the Bill and the timetable for its introduction into the branches of Tynwald.

About you

Whilst it is only mandatory to answer the publishing your response question, to help the processing of the consultation response please provide the following information.

1 What is your name?

2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

3 Are you responding on behalf of:

Please select only one item

- ☐ A public body (e.g. a Government Department, Statutory Board or Local Authority)
- ☐ A business
- ☐ A charity
- ☐ A community organisation
- ☐ As a member of Tynwald
- ☐ As a member of the public

If you are responding other than as a member of the public, please provide your job title:

4 May we publish your response?

Please read our [Privacy Policy](#) for more details and your rights.

More information

- Publish in full – your name, organisation name, along with full answers **may** be published on the hub (your email will **not** be published)
- Publish anonymously – only your responses **may** be published on the hub (your name, organisation and email will **not** be published)
- Do not publish – **nothing will** be published publicly on the hub (your response will only be part of a larger summary response document)

(Required)

Please select only one item

- ☐ Yes, you can publish my response in full
- ☐ Yes, you may publish my response anonymously
- ☐ No, please do not publish my response

Appointment of the Chief Public Health Officer, deputies and officers

In place of the director of public health, the Bill proposes the appointment of a Chief Public Health Officer. This change in title reflects the requirements of the role on the Island are broader than the role of directors of public health working in local authorities in the UK.

Key differences for the Island include the requirements for this role to provide advice to Council of Ministers (a responsibility of the Chief Medical Officer in the UK), collect and process data (a function of NHS digital in the UK) and undertake health protection functions at a national level (the responsibility of the UK Health Security Agency).

5 Are you content with the proposed role of 'Chief Public Health Officer' and how that person may be appointed?

Notably, the appointment powers no longer require for the Chief Public Health Officer to be a registered medical practitioner. This requirement has been removed noting many directors of public health working in the UK no longer have this qualification.

[n.b. clause 3]

Please select only one item

☐

Yes, I am

☐

No, I am not

☐

Unsure

Any additional comments:

Functions of the Chief Public Health Officer

The Bill does not intend to expand the functions and duties of the current position. However, it will set out these functions and duties as they directly relate to this role, and provide for these functions and duties to be amended and updated to reflect future possible changes to the scope and nature of this role.

The Bill proposes the functions and duties of the Chief Public Health Officer will be to:

Provide advice to all public bodies on public health matters

Provide for advice to given to the Council of Ministers with respect to health, social care and public health matters

Undertake and provide public health research and data analysis (Public Health Research and Public Health Intelligence)

Provide services to improve public health (Public Health Improvement)

Protect the public health of the Island (Public Health Protection)

Commissioning of services relating to public health

Support planning for, and responding to, emergencies relating to public health

Such other functions as may be prescribed in regulations made by the Department

These functions may be delegated to the Deputy Chief Public Health Officer or other officers working in Public Health.

[n.b. clauses 4, 6, 7, 8, 9]

6 The Bill sets out the proposed functions and duties of the Chief Public Health Officer. Are you content that these functions and duties are suitable for this role?

Please select only one item

- ☐ Yes, I am
- ☐ No, I am not
- ☐ Unsure

Any additional comments:

The general public health duty

Scope of the general public health duty

Recommendation 9 of the [Sir Jonathan Michael review \(opens in a new tab\)](#) <<https://www.gov.im/about-the-government/departments/health-and-social-care/health-and-social-care-review/>> stated:

'The Public Health Directorate should be empowered to provide advice and guidance across Government, not solely to the DHSC. It should promote and co-ordinate health and wellbeing across the Island to help improve the quality of life and reduce the demand on health and care services in the future. All Departments should be required to factor public health guidance into policy setting and legislation. In order to facilitate this, the Public Health Directorate should be moved to a position in the Cabinet Office.'

The Bill accordingly proposes the introduction of a general public health duty, a:

'Duty to take all reasonable and practicable steps to improve, prevent or minimise any harm to public health that might foreseeably result from anything done or omitted to be done by a public body'.

The Bill requires that public bodies should have regard to this duty as far as it is reasonable and practicable to do, subject to any guidance issued by the Chief Public Health Officer.

This is intended to be a minimally burdensome duty that will allow for the recommendation to be implemented in a manner that meets the requirements of the recommendation, while not being burdensome upon public bodies.

Notably, there is no intention for public bodies to be required to undertake impact assessments with respect to public health as they have to do with respect to other statutory responsibilities.

Definition of public bodies for the purposes of the public health duty

Noting the approach taken in the Climate Change Act 2021, the definition of 'public bodies' has been based upon that used in the Freedom of Information Act 2015. The definition used in the Bill has been slightly expanded to ensure it applies to joint boards or committees respectively established under either section 7, or sections 17 or 18, of the Local Government Act 1985. This will ensure the clear application of the general public health duty to non-statutory local authority bodies such as housing boards and swimming pool boards.

7 Are you content with this proposed general public health duty as it applies to public bodies?

Please select only one item

- ☐ Yes, I am
- ☐ No, I am not
- ☐ Unsure

Any additional comments:

8 Are you content with this proposed definition of public bodies?

Please select only one item

- ☐ Yes, I am
- ☐ No, I am not
- ☐ Unsure

Any additional comments:

Supporting provisions

To support the work of the Chief Public Health Officer the Bill proposes two supporting provisions.

Powers to establish advisory bodies

The Bill provides for the Chief Public Health Officer to establish advisory bodies, based on similar provisions in section 2 of the National Health Service Act 2001. Such bodies may be placed on a statutory footing further to regulations made by Cabinet Office and approved by Tynwald.

This will provide a clear legal basis for the operation of the Isle of Man Research Ethics Committee and other advisory bodies in the future.

It is anticipated that these powers may be used in the future to support the operation of advisory bodies, for example in relation to the undertaking of research further to section 43 (research) of the Capacity Act 2023 or clause 7 (public health research) of the Bill.

[n.b. clause 10]

Information gateway

The Bill provides for the establishment of an information gateway to provide a clear legal basis for information to be shared with Public Health, and for Public Health to share that information with other persons. This information may only be shared with respect to the exercise of any of the functions of the Chief Public Health Officer. This provisions is intended to address concerns about the lack of clear statutory provision for the sharing of information with, and by, Public Health.

[n.b. clause 18]

9 Are you content for the powers to establish advisory bodies to be provided in the Bill?

Please select only one item

- ☐ Yes, I am
- ☐ No, I am not
- ☐ Unsure

Any additional comments:

10 Are you content with the proposed introduction of an information gateway to provide a clear legal mechanism for the sharing of information with Public Health for the purposes of the functions of the Chief Public Health Officer?

Please select only one item

- ☐ Yes, I am
- ☐ No, I am not
- ☐ Unsure

Any additional comments:

Amendments to the Public Health Act 1990

In developing this legislation feedback was received from the Department of Environment, Food and Agriculture (DEFA) with respect to possible amendments to the Public Health Act 1990. In partnership with that Department, amendments have been proposed in this Bill to:

Provide for the list of statutory nuisances prescribed in section 1 of the Public Health Act 1990 to be amendable via secondary legislation approved by Tynwald. This change will allow these statutory nuisances to be updated and amended in light of the needs of the Island's community

Clarify that the provisions in the Act relating to controls on vermin may be applied to the owners of premises as well as owners of vessels (noting the effect of section 53 (vessels of the Public Health Act 1990))

Ensure that the enforcement powers in the Act correctly refer to investigations conducted by authorised officers of either a local authority, the Department of Environment, Food and Agriculture (DEFA) or the Department of Infrastructure (DOI), and

Correct an error in the powers provided to such authorised officers by reference to the Local Government Act 1985

A keeling schedule has been prepared to demonstrate Public Health Act 1990 may be amended as a consequence of clause 20 of the Bill.

You can view each relevant section on the following pages or see the entire keeling schedule below. It is also available in the Related section at the start of the consultation.

Keeling schedule

1 of 5

Automatic Zoom

Keeling schedule to indicate effects of amendments to the Public Health Act 1990 provided by clause 20 of the Bill

Text proposed to be removed has been shown with ~~struckthrough and highlighted text~~.

Text proposed to be inserted has been shown in **blue and highlighted text**.

Public Health 1990	Public Health Act 1990, as amended
1. Statutory nuisances (1) It shall be the duty of every local authority to cause its district to be inspected from time to time by an authorised officer or officers for the detection of matters requiring to be dealt with under this Part as being statutory nuisances. (2) The following matters are statutory nuisances — (a) any premises in such a state as to be prejudicial to health or a nuisance; (b) any pool, ditch, gutter, watercourse, privy, urinal, cesspool, septic tank, drain or ashpit or other receptacle for waste matter so foul or in such a state as to be prejudicial to health or a nuisance; (c) any house or part of a house so overcrowded as to be prejudicial to the health of the occupiers, whether or not members of the same family; (d) any animal or bird kept in such a place or manner as to be prejudicial to health or a nuisance; (e) any accumulation or deposit, or any dead animal or bird, which is prejudicial to health or a nuisance; (f) any dust or effluvia caused by any trade or trade process and being prejudicial to health or a nuisance; (g) any smoke emitted in such quantity, or of such density or content, as to be a nuisance; (h) any other matter declared by this or any other enactment to be a statutory nuisance.	1. Statutory nuisances (1) It shall be the duty of every local authority to cause its district to be inspected from time to time by an authorised officer or officers for the detection of matters requiring to be dealt with under this Part as being statutory nuisances. (2) The following matters are statutory nuisances — (a) any premises in such a state as to be prejudicial to health or a nuisance; (b) any pool, ditch, gutter, watercourse, privy, urinal, cesspool, septic tank, drain or ashpit or other receptacle for waste matter so foul or in such a state as to be prejudicial to health or a nuisance; (c) any house or part of a house so overcrowded as to be prejudicial to the health of the occupiers, whether or not members of the same family; (d) any animal or bird kept in such a place or manner as to be prejudicial to health or a nuisance; (e) any accumulation or deposit, or any dead animal or bird, which is prejudicial to health or a nuisance; (f) any dust or effluvia caused by any trade or trade process and being prejudicial to health or a nuisance; (g) any smoke emitted in such quantity, or of such density or content, as to be a nuisance; (h) any other matter declared by this or any other enactment to be a statutory nuisance.

Powers to amend statutory nuisances by secondary legislation

Public Health Act 1990, as amended

Proposed changes are marked with an asterix *

1. Statutory nuisances

It shall be the duty of every local authority to cause its district to be inspected from time to time by an authorised officer or officers for the detection of matters requiring to be dealt with under this Part as being statutory nuisances

The following matters are statutory nuisances:

Any premises in such a state as to be prejudicial to health or a nuisance

Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, septic tank, drain or ashpit or other receptacle for waste matter so foul or in such a state as to be prejudicial to health or a nuisance

Any house or part of a house so overcrowded as to be prejudicial to the health of the occupiers, whether or not members of the same family

Any animal or bird kept in such a place or manner as to be prejudicial to health or a nuisance

Any accumulation or deposit, or any dead animal or bird, which is prejudicial to health or a nuisance

Any dust or effluvia caused by any trade or trade process and being prejudicial to health or a nuisance

Any smoke emitted in such quantity, or of such density or content, as to be a nuisance

Any other matter declared by this or any other enactment to be a statutory nuisance

***The Department may, by regulations, amend subsection (2)**

***Regulations under subsection (3) are subject to section 30 of the Legislation Act 2015 (approval required)**

Section 1 (statutory nuisances) of the Public Health Act 1990 prescribes a list of statutory nuisances that may be subject to enforcement action by authorised officers [as defined in section 95 (interpretation: general) of the Public Health Act 1990] of local authorities, the Department of Environment, Food and Agriculture (DEFA), the Department of Infrastructure or the courts [further to section 5 (complaint by an individual) of the Public Health Act 1990].

This list of statutory nuisances have been not been updated since the Act's introduction, and feedback from DEFA has indicated it would be useful to have the ability to update this list in light of changes to the community, and the environmental protection actions that may be required as a consequence, following the list's commencement in 1990.

The Bill accordingly proposes that DEFA may amend this list via Regulations approved by Tynwald.

11 Are you content for DEFA to be given the ability to amend the list of statutory nuisances by regulations approved by Tynwald?

Please select only one item

☐

Yes, I am

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No, I am not

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Unsure

Any additional comments:

Clarification of vermin controls powers to apply to the owner of vessels

Public Health Act 1990, as amended

Proposed changes are marked with an asterix *

52. Duty of occupants of land

The occupier of any land shall give to the Department notice forthwith if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers

Subject to subsection (6), the occupier ***or owner** of any land shall take such steps as may from time to time be necessary and reasonably practicable for the destruction of rats and mice on the land, or for preventing the land from being infested with rats and mice

Any person who fails to comply with subsection (1) or (2) shall be guilty of an offence

If the Department is satisfied that the occupier ***or owner** of any land has failed to take such action as is required by subsection (2), it shall either:

Serve a notice on him requiring him to take such steps for any of the purposes mentioned in subsection (2) as are specified in the notice within such time as may be so specified

After not less than 48 hours' previous notice to him, enter on the land and take that action, and the Department may recover from the occupier ***or owner** any expenses reasonably incurred in exercising the powers conferred by paragraph (b)

A notice under subsection (4)(a) may (without prejudice to the generality of that subsection) require — (a) the application to the land of any form of treatment specified in the notice; or (b) the carrying out on the land of any works so specified

It shall be a defence in any proceedings for an offence consisting of a failure to comply with subsection (2) for the person accused to show that he has complied with subsection (1) and that no notice has been served on him under subsection (4)(a)

This section does not apply in the case of rats or mice which are kept on any premises:

As pets

In the course of the business of keeping a pet shop on the premises

For research or educational purposes by any school or other educational or scientific institution; provided that the rats or mice are adequately confined and that all reasonable steps are taken to prevent their escape from confinement

DEFA has indicated that the powers provided in owners of land further to section 52 (duty of occupants), and to owners of vessels as a consequence of section 53 (vessels) of the Public Health Act 1990, are unclear. DEFA has noted that there have been instances of unoccupied premises being a source of vermin that have affected neighbouring land.

DEFA has accordingly requested that section 52 of the Public Health Act 1990 be amended to enable its officers to undertaken vermin control measures with respect to the owners of land as well as any occupiers of that land. This will also apply to owners of vessels further to the effect of section 53 of the Public Health Act 1990.

12 Are you content with this proposed amendment?

Please select only one item

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Yes, I am

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No, I am not

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Unsure

Any additional comments:

Clarification of the Act's application to DEFA's authorised officers for public health inspection offences

Public Health Act 1990, as amended

Proposed changes are marked with an asterix *

92H. Public health inspection offences

A person commits an offence if the person, without reasonable excuse:

Fails to comply with a requirement imposed under section 92B, 92C, 92D or 92E

Intentionally obstructs an ***authorised officer** in the exercise of powers under those sections

Fails or refuses to:

Provide facilities or assistance

Provide information or permit inspection, where it is reasonably required by an ***authorised officer** exercising powers under those sections

Prevents any other person from:

Appearing before an authorised officer

Answering a question to which an authorised officer may require an answer pursuant to section 92D(1)

In purported compliance with a requirement imposed under section 92D(1):

Makes a statement which the person knows to be false or misleading in a material particular

Recklessly makes a statement which is false or misleading in a material particular

Intentionally fails to disclose any material particular

Causes or permits another person to commit an offence under paragraphs (a) to (e)

In proceedings for an offence under subsection (1), it is a defence for a person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence

If the commission by a person of an offence under subsection (1) is due to the act or omission of another person, that other person may be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first person

Section 92H (public health inspection offences) of the Public Health Act 1990 refers to 'investigator' (a term not defined in the Act), instead of 'authorised officers' [as defined in section 95 (interpretation: general) of the Public Health Act 1990].

DEFA has requested this opportunity be taken to clarify that this section applies to authorised officers.

13 Are you content with this proposed amendment?

Please select only one item

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Yes, I am

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No, I am not

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Unsure

Any additional comments:

Clarification of the powers provided to DEFA's authorised officers

Public Health Act 1990, as amended

Proposed changes are marked with an asterix *

97. Application of provisions of 1985 Act

Section 5 (default powers) of the Local Government Act 1985 ('the 1985 Act') applies to functions conferred on local authorities by this Act

[Repealed]

Sections *37 to 41, 46 to 49 and 57 to 62 of the 1985 Act have effect in relation to functions of the Department or the Department of Infrastructure under this Act (as the context requires) as if for references therein to a local authority there were substituted references to the Department or the Department of Infrastructure (as the context requires)

3A to 3D [Repealed]

Section 58 (appeals etc.) of the 1985 Act does not apply to a notice under Part I (except a notice under section 12).186

Section 73 (interpretation) of the 1985 Act applies to this Act

Section 97 (application of provisions of 1985 Act) of the Public Health Act 1990 provides authorised officers with powers of entry to undertake their functions. These powers of entry are provided by reference to the powers set out in sections 38 to 41, 46 to 49 and 57 to 62 of the Local Government Act 1985.

However, the Public Health Act 1990 does not extend the powers provided in section 37 (Power to obtain particulars of owners, etc of land) of the Local Government Act 1985 to authorised officers. The lack of legal vires to obtain this information significantly hinders the ability of authorised officers to enforce the requirements of the Public Health Act 1990. For example, DEFA's authorised officers lack the legal powers to request information as to the owners of land necessary to control vermin.

The proposed amendment seeks to correct this issue, and ensure authorised officers have the necessary powers to enable them to effectively undertake their functions and duties.

14 Are you content with this proposed amendment?

Please select only one item

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Yes, I am

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No, I am not

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Unsure

Any additional comments: