Public Health (Scotland) Act 1945

1945 CHAPTER 15

An Act to consolidate with amendments the provisions of Part IV of the Public Health (Scotland) Act, 1897, as amended by the Public Health Act, 1904, relating to epidemic, endemic or infectious diseases. [20th December 1945]

BE IT ENACTED by the King'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 Power of Secretary of State to make regulations with a view to the treatment of certain diseases, and for preventing the spread of such diseases.

(1) Subject to the provisions of this section, the Secretary of State may, as respects the whole or any part of Scotland, including the coastal waters thereof, make regulations—

(a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases ;

(b) for preventing danger to public health from vessels or aircraft arriving at any place ; and

(c) for preventing the spread of infection by means of any vessel or aircraft leaving any place, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country;

and without prejudice to the generality of the foregoing words, may by any such regulations apply, with or without modifications, to any disease to which the regulations relate any enactment (including any enactment in the Public Health (Scotland) Acts, 1897 to 1939) relating to the notification of disease or to notifiable diseases.

(2) Regulations made under this section may provide for—

(a) the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease ;

(b) the questions to be answered by masters, pilots and other persons on board any vessel or aircraft as to cases of such disease on board during the voyage or on arrival;

(c) the detention of vessels or aircraft and of persons on board them ;

(d) the duties to be performed in cases of such diseases by masters, pilots, and other persons on board vessels or aircraft ;

and may authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

(3) Regulations made under this section shall specify the authorities, whether local authorities or port local authorities, by whom they are to be enforced and executed, and may also provide for their enforcement and execution by officers of customs and excise and officers and men employed in the coastguard :

Provided that nothing in such regulations shall authorise any such authority, officer, or person to institute proceedings for an offence against the regulations.

(4) Authorised officers of any such authority, officers of customs and excise and officers and men employed in the coastguard shall have power to enter any premises, vessel, or aircraft for the purpose of executing, or superintending the execution of, any such regulations as aforesaid.

(5) Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulations made by the Secretary of State under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds, and in the case of a continuing offence to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction therefor.

(6) Regulations made by the Secretary of State under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the period of forty days beginning with the day on which any such regulations are laid before it resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(7) The Secretary of State may, if he thinks fit by order authorise or require any two or more local authorities to act together for the purposes of this section, and may prescribe the mode of such joint action, and of defraying the costs thereof.

(8) In this section—

the expression " authorised officer " means as respects any local authority or port local authority, an officer of that authority authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter :

Provided that the medical officer of health and sanitary inspector of any authority, shall by virtue of their appointments, be deemed to be authorised officers for the purposes of this Act ;

the expression " coastal waters " means waters within a distance of three nautical miles from any point on the coast measured from low water mark of ordinary spring tides ;

the expression " local authority " means—

(a) in the case of a large burgh, the town council ;

(b) in the case of counties combined for the purposes mentioned in subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council; and

(c) in the case of any other county, the county council ;

the expression " county " means a county inclusive of any small burgh situate therein ;

the expression " large burgh " and " small burgh " have the like meanings as in the Local Government (Scotland) Act, 1929 ;

the expression " port local authority " has the meaning assigned to it by section one hundred and seventy-two of the Public Health (Scotland) Act, 1897 ;

the expression " vessel " has the same meaning as in the Merchant Shipping Act, 1894.

Other expressions have the same meaning as in the Public Health (Scotland) Act, 1897.

2 Repeal

Part IV of the Public Health (Scotland) Act, 1897, and the Public Health Act, 1904, so far as applying to Scotland are hereby repealed :

Provided that—

(i) any regulations made under the said enactments which were in force immediately before the passing of this Act shall continue to have effect as if they had been made under this Act; and

(ii) any order made under section eighty-three of the Public Health (Scotland) Act, 1897, which was in force immediately before the passing of this Act shall be deemed to have been made under subsection (7) of the foregoing section.

3 Citation

This Act may be cited as the Public Health (Scotland) Act, 1945, and the Public Health (Scotland) Acts, 1897 to 1939 and this Act may be cited together as the Public Health (Scotland) Acts, 1897 to 1945.