



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART III

NOTIFIABLE DISEASES AND FOOD POISONING

47 Redefinition of "notifiable disease"

In section 343(1) of the Public Health Act 1936, for the definition of " notifiable disease " there shall be substituted the following definition:—

“notifiable disease ' means any of the following diseases, namely, cholera, plague, relapsing fever, smallpox and typhus”.

48 Cases of notifiable disease and food poisoning to be reported to local authority

(1) If a duly qualified medical practitioner becomes aware, or suspects, that a patient whom he is attending within the district of a local authority is suffering from a notifiable disease or from food poisoning, he shall unless he believes, and has reasonable grounds for believing, that some other such practitioner has complied with this subsection with respect to the patient, forthwith send to the medical officer of health of that district a certificate stating—

- (a) the name, age and sex of the patient and the address of the premises where the patient is;
- (b) the disease or, as the case may be, particulars of the poisoning from which the patient is, or is suspected to be, suffering and the date, or approximate date, of its onset; and
- (c) if the premises aforesaid are a hospital, the day on which the patient was admitted thereto, the address of the premises from whence he came there and whether or not, in the opinion of the person giving the certificate, the disease or poisoning from which the patient is, or is suspected to be, suffering was contracted in the hospital.

Status: This is the original version (as it was originally enacted).

- (2) Where the local authority within whose district are situate premises whose address is, by virtue of paragraph (a) of the foregoing subsection, specified in a certificate sent under that subsection are not a local health authority, the medical officer of health who receives the certificate shall, on the day of its receipt (if possible) and in any case within forty-eight hours after its receipt, send a copy thereof—
- (a) to the local health authority within whose area those premises are situate ; and
 - (b) if the certificate is given with respect to a patient in hospital who came there from premises outside the district of the local authority within whose district the hospital is situate, and the certificate states that the patient did not contract the disease or poisoning in the hospital, to the medical officer of health of the district within which are situate the premises from which the patient came and, if the local authority for that district is not a local health authority and the district is not within the area of the health authority within whose area the hospital is situate, to the local health authority within whose area those premises are situate.
- (3) Where the local authority within whose district are situate premises whose address is, by virtue of paragraph (a) of subsection (1) above, specified in a certificate sent under that subsection, are a local health authority, then, if the certificate is given with respect to a patient in hospital who came there from premises outside that district and the certificate states that the patient did not contract the disease or poisoning in the hospital, the medical officer of health who receives the certificate shall, on the day of its receipt (if possible) and in any case within forty-eight hours after its receipt, send a copy thereof—
- (a) to the medical officer of health of the district within which are situate the premises from which the patient came; and
 - (b) if the local authority for that district are not a local health authority, to the local health authority within whose area the premises are situate.
- (4) A person who fails to comply with an obligation imposed on him by subsection (1) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £10.
- (5) In this section, " hospital" means any institution for the reception and treatment of persons suffering from illness, any maternity home and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and " illness " includes mental disorder within the meaning of the Mental Health Act 1959 and any injury or disability requiring medical, surgical or dental treatment or nursing.

49 Supply of forms for purposes of section 48

A local authority shall, upon application, supply forms of certificate for use under the last foregoing section free of charge to any medical practitioner practising in their district.

50 Fees for certificates under section 48

- (1) Subject to any exceptions for which provision may be made by the order, the Minister of Health may by order direct that a local authority shall pay to a medical practitioner for each certificate duly sent by him under section 48 of this Act a fee of such amount as may be prescribed by the order.

- (2) Different fees may be prescribed by an order under this section in relation to different circumstances.
- (3) For the avoidance of doubt it is hereby declared that the fact that a medical practitioner who gives a certificate under section 48 of this Act holds the office to whose holder the certificate is required to be sent does not disentitle him to payment of the fee (if any) payable for the certificate.
- (4) An order under this section may be varied or revoked by a subsequent order of the Minister of Health.
- (5) The powers conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

51 Reimbursement of fees in certain cases

Where, in pursuance of section 48(2) of this Act, a copy of a certificate is sent by the medical officer of health of the district of a local authority to the local health authority within whose area are situate the premises whose address is, by virtue of subsection (1) (a) of that section, specified in the certificate, the latter authority shall pay to the former the amount of the fee (if any) paid by the latter in pursuance of the last foregoing section for the certificate.

52 Powers of local authority to extend category of notifiable diseases

- (1) No order shall be made after the date of the coming into operation of this section under section 147(1) of the Public Health Act 1936 (power of local authority to extend category of notifiable diseases) nor shall an order under that section be varied after that date save by excluding a disease from it; but a local authority may by order (in relation to which the proviso to subsection (1) and subsections (2) to (4) of that section shall have effect as they have effect in relation to an order under subsection (1) thereof) direct that an infectious disease other than one specified in section 47 of this Act or one to which regulations under section 143 of that Act relate shall, for the purpose of the application to their district of such of the provisions of that Act, the Public Health Act 1961 and this Act relating to notifiable diseases as are specified in the order, be deemed to be such a disease.
- (2) Any reference in an order under the said section 147 to the provisions of Part V of the Public Health Act 1936 relating to the notification of disease shall be construed as a reference to section 48 of this Act.

53 Power of justice of peace to order examination of person believed to be carrier of notifiable disease

Section 38(1) of the Public Health Act 1961 (power of a justice of the peace to order the medical examination of a person believed to be, or to have been, suffering from a notifiable disease) shall be amended by the insertion, after the word " disease ", of the words " or, though not suffering from such a disease, is carrying an organism that is capable of causing it".

54 Power of justice of peace to order medical examination of group of persons believed to comprise a carrier of a notifiable disease

- (1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the medical officer of health of any district.—
- (a) that there is reason to believe that one of a group of persons, though not suffering from a notifiable disease, is carrying an organism that is capable of causing it; and
 - (b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be medically examined ;
- the justice may order them to be medically examined by the medical officer of health or by a registered medical practitioner nominated by him.
- (2) An order under this section may be combined with a warrant under section 287(2) of the Public Health Act 1936 authorising the medical officer of health to enter any premises.

55 Construction of references to medical examination

In section 38(1) of the Public Health Act 1961 and in the last foregoing section, references to a person's being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations.

56 Construction of section 143 of Public Health Act 1936

In section 143 of the Public Health Act 1936 (which authorises the Minister of Health, with a view to the treatment of certain diseases and for preventing their spreading, to make regulations including provision applying, to diseases to which the regulations relate, any enactment relating to the notification of disease or to notifiable diseases) the reference to any such enactment shall be construed as including references to any such enactment as amended by this Act and to sections 48 to 51 (both inclusive) and 54 of this Act.

57 Interpretation of Part III

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" local authority " and " district " have the same meanings as in the Public Health Act 1936 ;

" local health authority " means an authority that is a local health authority for the purposes of Part III of the National Health Service Act 1946 ;

" notifiable disease " means any of the diseases specified in section 47 of this Act.

58 Extent of Part III

This Part of this Act does not apply to Scotland.