



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART IV

MISCELLANEOUS MATTERS

Provision of general Application

59 Extension of power of user by Crown of patented invention to user for certain health services.

- (1) The powers exercisable in relation to a patented invention under section 46 of the ^{M1}Patents Act 1949 by a government department or a person authorised by a government department shall include power to make, use, exercise and vend the invention for the production or supply of drugs and medicines required for the provision of pharmaceutical services, general medical services or general dental services, and prescribed for the purposes of this section by regulations made by [^{F1}the Secretaries of State respectively concerned with health in England, in Wales and in Scotland] acting jointly; and any reference in that section or in section 47 or 48 of the Patents Act 1949 to the services of the Crown shall be construed accordingly.
- (2) In the foregoing subsection references to pharmaceutical services, general medical services and general dental services shall be construed as referring to services of those respective kinds under [^{F2}Part II of the ^{M2}National Health Service Act 1977], Part [^{F3}II] of the ^{M3}National Health Service (Scotland) Act [^{F3}1978] or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.
- (3) The power conferred by subsection (1) above to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section shall extend to the Isle of Man.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Health Services and Public Health Act 1968, Part IV is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words substituted by [S.I. 1969/388, Sch. 1](#)
F2 Words substituted by [National Health Service Act 1977 \(c. 49\), Sch. 15 para. 44](#)
F3 Words substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\), Sch. 16 para. 26\(1\)](#)

Marginal Citations

- M1** 1949 c. 87.
M2 1977 c. 49.
M3 1978 c. 29.

Provisions applicable to England and Wales and Scotland

[60] ^{F4} **Amendment of Nurseries and Child-Minders Regulation Act 1948.**

- (1) The ^{M4}Nurseries and Child-Minders Regulation Act 1948 shall be amended as follows.
- (2) Section 1(1)(a) (by virtue whereof local health authorities are required to keep registers of premises in their areas, other than premises wholly or mainly used as private dwellings, where children are received to be looked after for the day or a substantial part thereof or for any longer period not exceeding six days) shall have effect with the substitution, for the words "a substantial part thereof", of the words "for a part or parts thereof of a duration, or an aggregate duration, of two hours or longer"; . . . ^{F5}
- (3) Section 4(2) (which penalises, amongst other things, the reception by a person as mentioned in section 1(1)(b) of children exceeding two in number and coming from more than one household without his being a relative of theirs and registered under section 1) shall, as from the expiration of the period aforesaid, have effect with the substitution, for the words "children of whom he is not a relative, and (a) the number of children exceeds two, and (b) the children come from more than one household", of the words "a child of whom he is not a relative".
- (4) The punishment that may be imposed on a person guilty of an offence under section 4, being an offence committed after the coming into operation of this section, shall, instead of being a fine not exceeding £25 or, in the case of a second or subsequent offence, imprisonment for a term not exceeding one month or a fine not exceeding £25 or both, be a fine not exceeding [^{F6}£50][^{F6}level 3 on the standard scale] or, in the case of a second or subsequent offence, imprisonment for a term not exceeding three months or a fine not exceeding [^{F6}£100][^{F6}level 3 on the standard scale] or both, and the proviso to subsection (4) of that section (which limits to £5 the punishment that may be imposed in the case of a first offence under subsection (5) of that section) shall, except in relation to an offence committed before the coming into operation of this section, cease to have effect.
- (5) In section 1(3) (by virtue whereof a local health authority may refuse to register premises if, inter alia, they are satisfied that the premises are not fit to be used for the reception of children) after the word "fit" (where last occurring), there shall be inserted the words "(whether because of the condition thereof or of the equipment thereof or for any reason connected with the situation, construction or size thereof or with other persons therein)".
- (6) In section 1(4) (by virtue whereof a local health authority may refuse to register a person if, inter alia, they are satisfied that the premises in which the children are

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received or are proposed to be received are not fit, whether because of the condition thereof or for any reason connected with other persons therein, to be used for the purpose), after the word “thereof”, there shall be inserted the words “or of the equipment thereof”, and after the words “connected with” there shall be inserted the words “the situation, construction or size thereof or with”.

- (7) An application for the registration under section 1 of any premises shall be of no effect unless it contains a statement with respect to each person employed or proposed to be employed in looking after children at the premises, and each person who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises, whether or not—
- (a) there has been made against him any such order as is mentioned in paragraph (a), (b) or (e) of [^{F7}section 7 of the Foster Children Act 1980][^{F8}and the Foster Children (Scotland) Act 1984] (disqualification for keeping foster children);
 - (b) he has been convicted as mentioned in paragraph (c) thereof;
 - (c) his rights and powers with respect to a child have been vested as mentioned in paragraph (d) thereof; or
 - (d) an order has been made under section 43 of the ^{M5}Adoption Act 1958 (removal of protected children from unsuitable surroundings) for the removal of a child from his care;

and an application for the registration under section 1 of a person shall be of no effect unless it contains a similar statement with respect to him, each person employed or proposed to be employed by him in looking after children and each person other than himself who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises in which the children are received or proposed to be received; and a person who, in any such application as aforesaid, makes, with respect to himself or another, any such statement as aforesaid which is false and is known to him to be false or recklessly makes, with respect to himself or another, such a statement which is false shall be guilty of an offence and liable on summary conviction, to a fine not exceeding [^{F9}level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both.

- (8) Section 2(2) (which empowers a local health authority to order that the number of children that may be received by a person in his home as mentioned in section 1(1) (b), together with any other children therein, shall not exceed such number as may be specified) shall have effect with the omission of the words “together with any other children in his home” and the addition at the end thereof of the words “and in making an order under this subsection an authority shall have regard to the number of any other children who may from time to time be in the home”.
- (9) The power of the local health authority under the said section 2(2) to limit the number of children that may be received by a person in his home as mentioned in section 1(1) (b) shall include power by order to impose requirements for securing—
- (a) that there shall be available, for looking after the children received by him as so mentioned, persons adequate in number and in qualifications or experience;
 - (b) that the premises in which the children are received shall be kept safe and adequately maintained and the equipment thereof shall be adequately maintained;
 - (c) that there shall be adequate arrangements for feeding the children so received and that an adequate and suitable diet shall be provided for them;

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- (d) that records shall be kept in relation to the children so received containing such particulars as may be specified by the authority.
- (10) In paragraph (d) of section 2(4) (which specifies, as one of the objects for the securing of which, as respects registered premises, requirements may be imposed by a local health authority, that the premises and the equipment thereof shall be adequately maintained), after the word “premises”, there shall be inserted the words “shall be kept safe and adequately maintained”.
- (11) Section 7 (inspection) shall have effect—
- (a) as if, at the end of subsection (1), there were added the words “and may at all reasonable times enter the home of a person registered under section one of this Act by the authority, and may inspect it and any children received there as mentioned in paragraph (b) of subsection (1) of section (1) of this Act, the arrangements for their welfare and any records relating to them kept in pursuance to this Act”; and
- (b) as if, in subsection (2), the words “is refused admission to the home of a person registered under section one of this Act, or” and the words “admission has been refused, or, as the case may be, that” were omitted.
- (12) The maximum amount of the fee that, under section 3(3) may be demanded by a local health authority for the issue of a copy of a certificate of registration under section one shall be increased from two shillings and sixpence to five shillings, and accordingly in that subsection, for the words “two shillings and sixpence” there shall be substituted the words “five shillings”.
- (13) Section 12 (which authorises the payment out of moneys provided by Parliament of any increase attributable to the Act in grants payable under any other Act, and is spent) shall cease to have effect.

Textual Amendments

- F4** Ss. 60, 64(3)(a)(vi)(vii)(ix)(xv), 65(3)(b)(vii)(viii)(x) repealed (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(6)(7), [Sch. 14 paras. 1\(1\), 27\(4\)](#), [Sch. 15](#)
- F5** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)
- F6** “level 3 on the standard scale” substituted (S.) for “£50” and “£100” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)
- F7** Words substituted (E.W.) by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), s. 23(2), [Sch. 2 Pt. I](#)
- F8** Words “section 6 of the Children Act 1958” repealed (S.) by [Foster Children \(Scotland\) Act 1984 \(c. 56, SIF 20\)](#), s. 22, [Sch. 2 para. 3](#) and words “and the Foster Children (Scotland) Act 1984” inserted (S.) after “1980” by [Foster Children \(Scotland\) Act 1984 \(c. 56, SIF 20\)](#), s. 22, [Sch. 2 para. 3](#)
- F9** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

Modifications etc. (not altering text)

- C1** The text of s. 60(2) is in the form which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C2** The text of ss. 44, 60(3)(5)(6)(8)(10)–(13) is in the form which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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- C3** Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C4** Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289E** (in relation to liability on first and subsequent convictions), applies (S.)

Marginal Citations

- M4** 1948 c. 53.
M5 1958 c. 5 (7 & 8 Eliz. 2).

61 **F10**

Textual Amendments

- F10** S. 61 repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16, **Sch. 5**

62 **Hover vehicles brought within scope of Acts relating to public health and food and drugs.**

- (1) In the ^{M6}Public Health Act 1936 references to vessels, . . . ^{F11}, shall be construed as including references to [^{F12}hovercraft within the meaning of the ^{M7}Hovercraft Act 1968] and [^{F13}in that Act]“master” shall be construed accordingly.
- (2) This section shall have effect in Scotland as if, [^{F14}the reference to the Public Health Act 1936 included references to both] the Public Health (Scotland) Acts 1897 to 1945 and the ^{M8}Food and Drugs (Scotland) Act 1956.

Textual Amendments

- F11** Words repealed by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 10 para. 13(a)(i)**, Sch. 11
- F12** Words substituted by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 123**
- F13** Words substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 10 para. 13(a)(ii)**
- F14** Words substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 10 para. 13(b)**

Marginal Citations

- M6** 1936 c. 49.
M7 1968 c. 59.
M8 1956 c. 30.

63 **Provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare.**

- (1) [^{F15}The Secretary of State] may, either directly or by entering into arrangements with others,—
- (a) provide, for persons employed or having it in contemplation to be employed as officers, or servants of a [^{F16}Regional Health Authority, Area Health Authority [^{F17}District Health Authority][^{F18}, Family Practitioner Committee]

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or a special health authority][^{F19}Health Board] such instruction as appears to him conducive to securing their efficiency as such officers or servants;

- (b) provide, for persons (other than such as are mentioned in the foregoing paragraph) of such class as may be [^{F20}determined by him] who are employed, or have it in contemplation to be employed, in an activity to which this paragraph applies, such instruction as appears to him conducive to the efficient carrying on of that activity; and
- (c) provide material and premises necessary for, or in connection with, the provision of any such instruction as aforesaid.

(2) Paragraph (b) of the foregoing subsection applies to the following activities, namely—

- (a) an activity involved in the provision of a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Minister of Health or the council of a [^{F21}non-metropolitan county, metropolitan district] or London borough or the Common Council of the City of London . . . ^{F22};
- (b) the provision of a service for the provision of which [^{F23}a Family Practitioner Committee] is, by virtue of [^{F24}Part II of the 1977 Act], under a duty to make arrangements and an activity involved in or connected with the provision of such a service;
- (c) an activity involved in the provision of a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Secretary of State or a county council or a town council of a large burgh or a joint county council;
- (d) the provision of a service for the provision of which [^{F25}a Health Board] is, by virtue of Part [^{F26}II] of the [^{F26}1978] Act, under a duty to make arrangements and an activity involved in or connected with the provision of such a service; and
- (e) an activity involved in the provision of a service under the law in force in Northern Ireland corresponding to a service mentioned in paragraph (a) above;
- (f) the provision of a service under the law in force in Northern Ireland corresponding to a service mentioned in paragraph (b) above, and an activity involved in or connected with the provision of such a service.

(3) ^{F27}

(4) ^{F28}

(5) Instruction under this section may be provided on such terms, including terms as to payment of charges, as [^{F15}the Secretary of State] thinks fit.

(6) [^{F15}The Secretary of State] may, with the approval of the Treasury,—

- (a) make grants and pay fees to persons or bodies with whom arrangements under subsection (1) above are made for the provision of instruction under this section [^{F29}and for ancillary administrative purposes]; and
- (b) pay travelling and other allowances to persons availing themselves of such instruction.

(7) ^{F30}

(8) In this section—

..... ^{F31}
“[^{F32}1977 Act” means the ^{M9}National Health Service Act 1977];

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“1947 Act” means the ^{M10}National Health Service (Scotland) Act 1947;

“the relevant enactments” means—

- (a) in relation to subsection (2)(a) above, [^{F33}any enactment functions under which for the time being stand referred to committees established in pursuance of section 2 of the ^{M11}Local Authority Social Services Act 1970 [^{F34} . . .] and the ^{M12}National Health Service Act 1977];
- (b) in relation to subsection (2)(c) above, . . . ^{F35} Part III of the ^{M13}National Assistance Act 1948, [^{F36}section 39 of the ^{M14}National Health Service Scotland Act 1978][^{F37}section 45 of this Act and the ^{M15}National Health Service Act 1977].

(9) This section shall have effect in Scotland as if, for any reference therein (other than a reference in subsection (2) thereof) to the Minister of Health, there were substituted a reference to the Secretary of State; . . . ^{F38}

(10) Section 48 of the 1946 Act and section 48 of the 1947 Act shall cease to have effect.

Textual Amendments

- F15** Words substituted by virtue of [S.I. 1968/1699](#), [arts. 2, 5\(4\)\(a\)](#)
- F16** Words “Regional” to “authority” substituted (E.W.) for words “Regional” to “teaching hospital” by [National Health Service Re-organisation Act 1973 \(c. 32, SIF 113:2\)](#), s. 57, [Sch. 4 para. 124\(1\)](#)
- F17** Words “District Health Authority” inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), ss. 1, 2, [Sch. 1 para. 19\(1\)\(3\)](#)
- F18** Words “, Family Practitioner Committee” inserted (E.W.) by [S.I. 1985/39](#), [art. 6\(1\)\(a\)](#)
- F19** Words “Health Board” substituted (S.) for words “Regional” to “teaching hospital” by [National Health Service \(Scotland\) Act 1972 \(c. 58, SIF 113:2\)](#), s. 64, [Sch. 6 para. 135\(a\)](#)
- F20** Words substituted (E.W.) by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 4 para. 124\(2\)](#), (S.) by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 135\(b\)](#)
- F21** Words substituted by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 4 para. 124\(3\)](#)
- F22** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F23** Words substituted by [S.I. 1985/39](#), [art. 6\(1\)\(b\)](#)
- F24** Words substituted by [National Health Service Act 1977 \(c. 49, SIF 113:2\)](#), s. 129, [Sch. 15 para. 45\(1\)](#)
- F25** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 135\(c\)](#)
- F26** Words substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), [Sch. 16 para. 26\(2\)\(a\)](#)
- F27** [S. 63\(3\)](#) repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25, [Sch. 3](#)
- F28** [S. 63\(4\)](#) repealed (S.) by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#) and (E.W.) by [National Health Service \(Reorganisation\) Act 1973 \(c. 32\)](#), [Sch. 5](#)
- F29** Words inserted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), [s. 20\(a\)](#)
- F30** [Ss. 63\(7\), 67](#) repealed (S.) by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#) and (E.W.) by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 5](#)
- F31** Words repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 5](#)
- F32** Definition substituted by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 15 para. 45\(2\)\(a\)](#)
- F33** Words substituted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), [s. 20\(b\)](#)
- F34** Words substituted by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 15](#), para. 45(2)(b)
- F35** Words repealed by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), [Sch. 17](#)
- F36** Words substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), [Sch. 16 para. 26\(2\)\(b\)](#)
- F37** Words substituted by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 15 para. 45\(2\)\(c\)](#)
- F38** Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#)

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Modifications etc. (not altering text)

- C5** References to the Minister of Health in this section (except in s. 63(9)) have been replaced by references to the Secretary of State
- C6** The text of ss. 63(10), 78(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M9** 1977 c. 49.
M10 1947 c. 27.
M11 1970 c.42.
M12 1977 c. 49.
M13 1948 c. 29
M14 1978 c. 29.
M15 1977 c. 49.

[^{F39}64] **Financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations.**

- (1) [^{F40}The Secretary of State] may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a voluntary organisation to which this section applies assistance by way of grant or by way of loan, or partly in the one way and partly in the other.
- (2) This section applies to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided.
- (3) In this section—
- [“the relevant enactments” means—
- ^{F41}(a) (i) Parts III and IV of the ^{M16}Children and Young Persons Act 1933,
(ii) ^{F42}
(iii) Part III of the ^{M17}National Assistance Act 1948,
(iv) ^{F43}
(v) ^{F44}
[the ^{M18}Foster Children Act 1980,]
^{F45}(vi) [section 9 of the ^{M19}Mental Health Act 1959,]
^{F46}(vii) (viii) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
[section 9 of the ^{M20}Domestic Proceedings and Magistrates’ Courts Act
^{F47}(ix) 1978]
(x) the ^{M21}Children and Young Persons Act 1963, except Part II and section 56,
(xi) this Act,
(xii) ^{F48}
(xiii) section 7(4) of the ^{M22}Family Law Reform Act 1969,

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- (xiv) the ^{M23}Children and Young Persons Act 1969, . . . ^{F49}
[section 43 of the ^{M24}Matrimonial Causes Act 1973,]
^{F46}(xv) ^{F50}
(xvi) ^{F50}
(xvii) the ^{M25}Children Act 1975]
^{F51}(xviii) the ^{M26}National Health Service Act 1977]
^{F52}(xviii) the ^{M27}Adoption Act 1976]
^{F53}(xix) the Child Care Act 1980 except so far as it relates to any voluntary home designated as mentioned in section 35(1) of that Act as a controlled or assisted community home
(xx) the Children Act 1989.]
- (b) “relevant service” means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by [^{F54}the Secretary of State] or the council of a [^{F55}non-metropolitan county, metropolitan district] or London borough or the Common Council of the City of London or a service for the provision of which [^{F56}a Family Practitioner Committee] is, by virtue of [^{F57}Part II of the ^{M28}National Health Service Act 1977], under a duty to make arrangements; and
- (c) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.
- (4) This section shall have effect in Scotland as if, in subsection (1) thereof, for the reference to the Minister of Health, there were substituted a reference to the Secretary of State; and as if, in subsection (3) thereof, for paragraphs (a) and (b), there were substituted the following paragraphs:—
- “(a) “the relevant enactments” means . . . ^{F58}, Part III of the National Assistance Act 1948 and Part I of this Act and section 45 thereof [^{F59}and the National Health Service Scotland Act [^{F60}1978]];
- (b) “relevant service” means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Secretary of State or by a county council or by the town council of a large burgh; or a service for the provision of which [^{F61}a Health Board] is, by virtue of Part [^{F62}II] of the National Health Service (Scotland) Act [^{F62}1978] under a duty to make arrangements; and”

Textual Amendments

- F39** S. 64 repealed so far as it relates to (S.) by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 3, **Sch. 10 Pt. I**
- F40** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**
- F41** S. 64(3)(a) substituted by [Children Act 1975 \(c. 72\)](#), **Sch. 3 para. 46**
- F42** S. 64(3)(a)(ii) repealed by [National Health Service Act 1977 \(c. 49\)](#) Sch. 16
- F43** S. 64(3)(a)(iv) repealed by [Child Care Act 1980 \(c.5, SIF 20\)](#), s. 89, **Sch. 6**
- F44** S. 64(3)(a)(v) repealed by [Adoption Act 1976 \(c. 36\)](#), s. 74(2), **Sch. 4**
- F45** S. 64(3)(a)(vi) substituted by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), s. 23, **Sch. 2 Pt. I**
- F46** Ss. 60, 64(3)(a)(vi)(vii)(ix)(xv), 65(3)(b)(vii)(viii)(x) repealed (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(6)(7), **Sch. 14 paras. 1(1), 27(4)**, **Sch. 15**
- F47** S. 64(3)(a)(ix) substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), s. 89, **Sch. 2 para. 22**

Status: Point in time view as at 01/02/1991.

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- F48** S. 64(3)(a)(xii) repealed by Adoption Act 1976 (c. 36), s. 74(2), **Sch. 4**
- F49** Words repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**
- F50** S. 64(3)(a)(xvi) repealed by National Health Service Act 1977 (c. 49), **Sch. 16**
- F51** S. 64(3)(a)(xviii) added by National Health Service Act 1977 (c. 49), **Sch. 15 para. 46(c)**
- F52** S. 64(3)(a)(xviii) added by Adoption Act 1976 (c. 36), s. 74(2), **Sch. 3 Pt. I para. 9**
- F53** S. 64(3)(a)(xix) added (E.W.) by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 5 para. 19**, and s. 64(3)(a)(xx) substituted (*prosp.*) for that s. 64(3)(a)(xix) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 17(1), **Sch. 14 para. 1(1)**
- F54** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**
- F55** Words substituted by National Health Service Reorganisation Act 1973 (c. 32, SIF 113:2), s. 57, **Sch. 4 para. 125(2)**
- F56** Words substituted by S.I. 1985/39, **art. 6(2)**
- F57** Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**
- F58** Words repealed by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 17**
- F59** Words added by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 136(a)**
- F60** Word substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 27(a)**
- F61** Words substituted by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 136(b)**
- F62** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 27(b)**

Modifications etc. (not altering text)

- C7** The references to the Minister of Health in s. 64(1)(3)(b) have been replaced by references to the Secretary of State

Marginal Citations

- M16** 1933 c. 12.
M17 1948 c. 29.
M18 1980 c. 6.
M19 1959 c. 72.
M20 1978 c. 22.
M21 1963 c. 37.
M22 1969 c. 46.
M23 1969 c. 54.
M24 1973 c. 18.
M25 1975 c. 72.
M26 1977 c. 49.
M27 1976 c. 36.
M28 1977 c. 49.

65 Financial and other assistance by local authorities to certain voluntary organisations.

- (1) A local authority may give assistance by way of grant or by way of loan, or partly in the one way and partly in the other, to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided, . . . ^{F63}.
- (2) A local authority may also assist any such voluntary organisation as aforesaid by permitting them to use premises belonging to the authority on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift, or loan or otherwise) and the services of any staff who are employed by

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the authority in connection with the premises or other things which they permit the organisation to use, . . . ^{F64}

(3) In this section—

(a) “local authority” (except where used in the expression “public or local authority”) means the council of a county, [^{F65}other than a metropolitan county, or of a metropolitan district] or London borough or the Common Council of the City of London;

[^{F66}(b) “the relevant enactments” means—

(i) Parts III and IV of the ^{M29}Children and Young Persons Act 1933,

(ii) ^{F67}

(iii) Part III of the ^{M30}National Assistance Act 1948,

(iv) ^{F68}

(v) the ^{M31}Adoption Act 1958,

(vi) section 3 of the ^{M32}Disabled Persons (Employment) Act 1958,

[the ^{M33}Foster Children Act 1980,]

^{F69}[

(vii)

[section 9 of the ^{M34}Mental Health Act 1959,]

^{F70}(viii)

(ix) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,

[section 9 of the ^{M35}Domestic Proceedings and Magistrates’ Courts Act ^{F71}[1978]],

^{F71}(x)

(xi) the ^{M36}Children and Young Persons Act 1963, except Part II and section 56,

(xii) this Act,

(xiii) the ^{M37}Adoption Act 1968,

(xiv) section 7(4) of the ^{M38}Family Law Reform Act 1969,

(xv) the ^{M39}Children and Young Persons Act 1969,

(xvi) section 43 of the ^{M40}Matrimonial Causes Act 1973,

(xvii) ^{F72}

(xviii) the ^{M41}Children Act 1975,]

[^{F73}(xix) the ^{M42}National Health Service Act 1977],

[^{F74}(xix) the ^{M43}Adoption Act 1976],

[^{F75}(xx) the Child Care Act 1980

(xxi) the Children Act 1989.]

(c) “relevant service” means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and

(d) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(4) The foregoing provisions of this section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(5) and 28(3) and (so far as it relates to such organisations) section 63 of the ^{M44}National Health Service Act 1946, sections 26(6) and 30(2) of the ^{M45}National Assistance Act 1948, sections 45(4) and 46(3) of the ^{M46}London Government Act 1963

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and, except in so far as it applies to the councils of county districts, section 31(3) of the National Assistance Act 1948.

(5) Subsection (1) of section 46 of the ^{M47}Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.

(6) This section (except in so far as it relates to the Greater London Council) shall have effect in Scotland as if for subsections (3), (4) and (5) thereof, there were substituted the following subsections:—

“(2A) Without prejudice to the powers conferred on local authorities by the foregoing provisions of this section, a [^{F76}district and islands council] may assist any voluntary organisation whose activities consist in or include the provision of meals or recreation for old people to provide such meals or such recreation by contributing to the funds of the organisation, by permitting them to use premises belonging to the council on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift or loan or otherwise) and the services of any staff who are employed by the council in connection with the premises or other things which they permit the organisation to use.

F77

(2B) In this section—

- (a) “local authority” (except where used in the expression “public or local authority”) means, [^{F78}the regional or islands council];
- (b)^{F79}
- [^{F80}(c) “the relevant enactments” means the National Health Service (Scotland) Acts [^{F81}1978], Part III of the National Assistance Act 1948 and section 3 of the Disabled Persons (Employment) Act 1958;]
- (d) “relevant service” means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and
- (e) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(2C) This section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(3) and 27(3) and (so far as it authorises local health authorities to give assistance to such organisations) section 63 of the National Health Service (Scotland) Act 1947, and section 26(6), 30(2) and 31(3) of the National Assistance Act 1948”

Textual Amendments

F63 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

F64 Words repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 5](#)

F65 Words substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 23 para. 15\(4\)](#)

F66 s. 65(3)(b) substituted by [Children Act 1975 \(c. 72\)](#), [Sch. 3 para. 47](#)

F67 S. 65(3)(b)(ii) repealed by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 16](#)

F68 S. 65(3)(b)(iv) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, [Sch. 6](#)

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- F69** S. 65(3)(b)(vii) was substituted (E.W.) for "(vii) the Children Act 1958" by [Foster Children Act 1980](#) (c. 6, SIF 20), s. 23(2), **Sch. 2 Pt. I**; the Children Act 1958 was repealed (S.) by [Foster Children \(Scotland\) Act 1984](#), c. 56, s. 22, Sch. 3 and the reference to the Children Act 1958 should be construed in accordance with the [Interpretation Act 1978](#) (c. 30, SIF 115:1), s. 17(2)(a).
- F70** Ss. 60, 64(3)(a)(vi)(vii)(ix)(xv), 65(3)(b)(vii)(viii)(x) repealed (*prosp.*) by [Children Act 1989](#) (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 paras. 1(1), 27(4), **Sch. 15**
- F71** S. 65(3)(b)(x) substituted by [Domestic Proceedings and Magistrates' Courts Act 1978](#) (c. 22), s. 89, **Sch. 2 para. 23**
- F72** S. 65(3)(b)(xvii) repealed by [National Health Service Act 1977](#) (c. 49), **Sch. 16**
- F73** S. 65(3)(b)(xix) added by [National Health Service Act 1977](#) (c. 49), **Sch. 15**
- F74** S. 65(3)(b)(xix) added by [Adoption Act 1976](#) (c. 36), s. 74(2), **Sch. 3 Pt. I para. 10**
- F75** S. 65(3)(b)(xx) added (E.W.) by [Child Care Act 1980](#) (c. 5, SIF 20), s. 89, **Sch. 5 para. 20**, and s. 65(3)(b)(xxi) substituted (*prosp.*) for that s. 65(3)(b)(xx) by [Children Act 1989](#) (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 17(2), **Sch. 14 para. 1(1)**
- F76** Words substituted by [Local Government \(Scotland\) Act 1973](#) (c. 65), **Sch. 27 Pt. II para. 175(a)**
- F77** Para. repealed by [Local Government \(Scotland\) Act 1973](#) (c. 65), **Sch. 29**
- F78** Words substituted by [Local Government \(Scotland\) Act 1973](#) (c. 65) Sch. 27 Pt. II para. 175(b)
- F79** S. 65(6)(2B)(b) repealed by [Local Government \(Scotland\) Act 1973](#) (c. 65) Sch. 29
- F80** S. 65(6)(2B)(c) substituted by [National Health Service \(Scotland\) Act 1972](#) (c. 58), **Sch. 6 para. 137**
- F81** Words substituted by [National Health Service \(Scotland\) Act 1978](#) (c. 29), **Sch. 16 para. 28**

Modifications etc. (not altering text)

- C8** S. 65 restricted (S.) by [Social Work \(Scotland\) Act 1968](#) (c. 49), s. 10(5)

Marginal Citations

- M29** 1933 c. 12.
M30 1948 c. 29.
M31 1958 c. 5 (7 & 8 Eliz. 2).
M32 1958 c. 33 (6 & 7 Eliz. 2).
M33 1980 c. 6.
M34 1959 c. 72.
M35 1978 c. 22.
M36 1963 c. 37.
M37 1968 c. 53.
M38 1969 c. 46.
M39 1969 c. 54.
M40 1973 c. 18.
M41 1975 c. 72.
M42 1977 c. 49.
M43 1976 c. 36.
M44 1946 c. 81.
M45 1948 c. 29.
M46 1963 c. 33.
M47 1958 c. 55.

66 Payments in respect of travelling expenses of visitors to patients in special hospitals and State hospitals.

- (1) [^{F82}The Secretary of State] may, in accordance with arrangements made by him with the approval of the Treasury, make payments, at such rates as may be determined under those arrangements, to persons of such class or description as may be so determined in

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respect of travelling expenses necessarily incurred by them in making visits to patients for the time being detained under the Mental Health Act 1959 in special hospitals.

- (2) The foregoing subsection shall have effect in Scotland, as if, for the references therein to the Minister of Health, the ^{M48}Mental Health Act 1959 and special hospitals, there were substituted references respectively to the Secretary of State, the ^{M49}Mental Health (Scotland) Act 1960 and State hospitals.

Textual Amendments
F82 Words substituted by virtue of [S.I. 1968/1699](#), [arts. 2, 5\(4\)\(a\)](#)

Modifications etc. (not altering text)
C9 The reference to the Minister of Health in s. 66(1) has been replaced by a reference to the Secretary of State

Marginal Citations
M48 [1959 c. 72.](#)
M49 [1960 c. 61.](#)

67 F83

Textual Amendments
F83 [Ss. 63\(7\), 67](#) repealed (S.) by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#) and (E.W.) by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 5](#)

68 F84

Textual Amendments
F84 [Ss. 45\(6\)–\(8\), 68](#) repealed by [Local Authority Social Services Act 1970 \(c. 42\)](#), [Sch. 3](#)

69 F85

Textual Amendments
F85 [S. 69, Sch. 1](#) repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [s. 57](#), [Sch. 5](#)

70 F86

Status: Point in time view as at 01/02/1991.

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Textual Amendments

F86 Ss. 47, 53, 70 repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)

Provisions applicable to Scotland only

71 Compensation for stopping employment to prevent spread of disease in Scotland.

- (1) With a view to preventing the spread of—
- (a) any infectious disease, or
 - (b) any food poisoning to which section 22(1) of the ^{M50}Food and Drugs (Scotland) Act 1956 applies,

a person who is at work may be requested by the [^{F87}designated medical officer] for the place where the person is at work, by notice in writing, to discontinue his work.

- (2) The local authority for the place in question shall compensate a person who has suffered any loss in complying with a request under this section; and any dispute arising under this subsection, whether as to the fact of loss or as to the amount of any compensation, shall be determined by a single arbiter, who, failing agreement between the parties, shall be appointed by the sheriff.

[^{F88}(3) In this section “local authority” means an islands or district council.]

- (4) This section applies to Scotland only.

Textual Amendments

F87 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 138](#)

F88 S. 71(3) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 177](#)

Marginal Citations

M50 1956 c. 30.

[^{F89}71A Fees for certificates relating to notifiable diseases and food poisoning.

- (1) Subject to any exceptions which he may specify, the Secretary of State may direct that a Health Board shall pay to a medical practitioner a fee of such amount as the direction may specify for each certificate duly sent by him under—
- (a) section 3(1) of the Infectious Diseases (Notification) Act 1889 (notification of infectious diseases);
 - (b) regulations made under section 1 of the Public Health (Scotland) Act 1945 (power to make regulation with a view to preventing the spread of certain diseases);
 - (c) section 22(1) of the Food and Drugs (Scotland) Act 1956 (notification of cases of food poisoning).
- (2) The Secretary of State may direct that different fees shall be paid under this section in relation to different circumstances.

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- (3) A direction under this section may make provision in relation to fees payable after a date specified in the direction.
- (4) The date may be before or after the date of the direction but may not be before if it would be to the detriment of medical practitioners.
- (5) Before giving a direction as to a fee under this section the Secretary of State shall consult any body accepted by him as a proper body for negotiating fees for medical practitioners.
- (6) For the avoidance of doubt it is hereby declared that the fact that a medical practitioner who gives any such certificate as is referred to in subsection (1) above 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.
- (7) This section applies to Scotland only.]

Textual Amendments

F89 S. 71A inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 26(2)

72 Powers of sheriff, &c. to order a medical examination in Scotland.

- (1) If the sheriff (acting, if he deems it necessary, ex parte) is satisfied, on a written certificate issued by the [F90designated medical officer] for any district—
 - (a) that there is reason to believe that some person in the district is or has been suffering from an infectious disease, or, though not suffering from such a disease, is carrying an organism that is capable of causing it, and
 - (b) that in his own interest, or in the interest of his family, or in the public interest, it is expedient that he should be medically examined, and
 - (c) that he is not under the treatment of a registered medical practitioner, or that the registered medical practitioner who is treating him consents to the making of an order under this section,

the sheriff may order him to be medically examined by the [F90designated medical officer], or by a registered medical practitioner nominated by the [F90designated medical officer].
- (2) If the sheriff (acting if he deems it necessary, ex parte) is satisfied, on a written certificate issued by the [F90designated medical officer] for any district—
 - (a) that there is reason to believe that one of a group of persons, though not suffering from an infectious 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 sheriff may order them to be medically examined by the [F90designated medical officer] or by a registered medical practitioner nominated by the [F90designated medical officer].
- (3) In this 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, and references to the sheriff shall be construed, in relation

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to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.

(4) This section applies to Scotland only.

Textual Amendments

F90 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 139](#)

73 Power of medical officers of health to enter premises in Scotland.

(1) Subject to the provisions of this section, the [^{F91}designated medical officer] for any district shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises in that district at all reasonable hours for the purpose of the performance of any duty imposed on him by—

- (a) the ^{M51}Infectious Disease (Notification) Act 1889; or
- (b) the Public Health (Scotland) Acts 1897 to 1945; or
- (c) this Act;

or, if he has reason to believe that any infectious disease exists, or has recently existed, in the premises, for the purpose of inspecting the premises.

(2) If the sheriff, on a written certificate issued by the [^{F91}designated medical officer] for any district,—

- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as aforesaid, and
- (b) is also satisfied either—
 - (i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or
 - (iii) that the case is one of urgency, or
 - (iv) that the premises are unoccupied or that the occupier is temporarily absent,

he may by warrant under his hand authorise the [^{F91}designated medical officer] to enter the premises, if need be by force.

(3) A [^{F91}designated medical officer] entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectively secured against unauthorised entry as he found them.

(4) Every warrant granted under this section shall continue in force for a period of one month.

(5) If—

- (a) any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, enters a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret; or

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(b) any person to whom by reason of his official position any information obtained as aforesaid is communicated, discloses that information to any person,

he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this section.

(6) A person who wilfully obstructs any person acting in the execution of this section or of a warrant issued thereunder shall be guilty of an offence against this section.

(7) A person who fails to give to any person acting in the execution of this section or of any warrant issued thereunder any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by any enactment to call for or may reasonably require, or who, when required to give any such information, knowingly makes any mis-statement in respect thereof, shall be guilty of an offence against this section:

Provided that nothing in this subsection shall be construed as requiring a person to answer any question, or give any information, if to do so might incriminate him.

(8) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [^{F92}level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(9) In this section . . . ^{F93} references to the sheriff shall be construed in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.

(10) This section applies to Scotland only.

Textual Amendments

F91 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), s. 64\(1\), Sch. 6 para. 140](#)

F92 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

F93 Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 7 Pt. II](#)

Modifications etc. (not altering text)

C10 Functions of burgh magistrates now exercisable by justices of the peace: [District Courts \(Scotland\) Act 1975 \(c. 20\), s. 1\(2\)](#)

Marginal Citations

M51 [1889 c. 72.](#)

74 ^{F94}

Textual Amendments

F94 [S. 74](#) repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. XII](#)

75 ^{F95}

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Textual Amendments

F95 S. 75 repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. XII** and also expressed to be repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), **Sch. 5**

76

..... **F96**

Textual Amendments

F96 S. 76 repealed (with saving) by S.I. 1981/127, arts. 3, 4, 5, **Sch. 1**

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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