



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART IV

MISCELLANEOUS MATTERS

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 Food and Drugs (Scotland) Act 1956 applies,

a person who is at work may be requested by the medical officer of health 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.
- (3) In this section " local authority " in relation to a county, including any small burgh situated therein, means the county council, and, in relation to a large burgh, means the town council; and " small burgh " and " large burgh " have the same meanings as in the Local Government (Scotland) Act 1947.
- (4) This section applies to Scotland only.

72 Powers of sheriff or justice of the peace 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 medical officer of health 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 medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.

- (2) If the sheriff (acting if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the medical officer of health 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 medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.

- (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 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.

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

- (1) Subject to the provisions of this section, the medical officer of health 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 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 medical officer of health 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—

Status: This is the original version (as it was originally enacted).

- (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 medical officer of health to enter the premises, if need be by force.

- (3) A medical officer of health 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
 - (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 £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
- (9) In this section " medical officer of health " has the same meaning as in the Public Health (Scotland) Act 1897; and 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.

Status: This is the original version (as it was originally enacted).

74 Fees for certain certificates no longer payable under section 4 of the Infectious Disease (Notification) Act 1889 in Scotland

So much of section 4(2) of the Infectious Disease (Notification) Act 1889 as relates (in Scotland) to the payment of fees to medical practitioners for certificates under that Act shall cease to have effect.

75 Correspondence of patients in State hospitals in Scotland

In relation to postal packets addressed by patients detained in State hospitals within the meaning of the Mental Health (Scotland) Act 1960, section 34(2) of that Act (correspondence of patients) shall have effect as if, in the proviso thereto, paragraph (i) were omitted.

76 Grants to certain authorities in Scotland in respect of functions relating to imported food

- (1) Subject to the provisions of this section, the Secretary of State may pay to the authorities to whom this section applies grants of such amounts, payable at such times, and subject to such conditions, as he may with the consent of the Treasury determine in respect of expenditure on revenue account incurred by those authorities on and after the relevant date in the exercise in relation to imported food of functions conferred or imposed on them by or under the Food and Drugs (Scotland) Act 1956.
- (2) The authorities to whom this section applies are county councils, the town councils of large burghs (within the meaning of the Local Government (Scotland) Act 1947), port local authorities and joint port local authorities constituted under section 172 of the Public Health (Scotland) Act 1897 and combinations of such authorities.
- (3) The amount of the grant payable under this section in respect of any expenditure shall not exceed one half of that expenditure.
- (4) In this section "relevant date" in relation to any authority means the day in the calendar year 1968 on which that authority's financial year begins.
- (5) This section applies to Scotland only.