



# 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 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 the Minister of Health and the Secretary of State 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 Part IV of the National Health Service Act 1946, Part IV of the National Health Service (Scotland) Act 1947 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.

*Provisions applicable to England and Wales and Scotland*

**60 Amendment of Nurseries and Child-Minders Regulation Act 1948**

- (1) The 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 " ; but the reception, before the expiration of the period of three months beginning with the day on which this section comes into operation, of a child in any premises as mentioned in section 1(1)(a) or by any person as mentioned in section 1(1)(b) shall not constitute an offence under section 4(1) or (2), as the case may be, if it would not have constituted an offence thereunder if this subsection had not been enacted.
- (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 the 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 £50 or, in the case of a second or subsequent offence, imprisonment for a term not exceeding three months or a fine not exceeding £100 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 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 section 6 of the Children Act 1958 (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 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 £100 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;
  - (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—

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- (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 one of this Act, the arrangements for their welfare and any records relating to them kept in pursuance of 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 1 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.

## **61 Welfare foods**

- (1) The Minister of Health and the Secretary of State shall together have power (exercisable by order made by statutory instrument) to extend the definition of " welfare food " in section 4(2) of the Emergency Laws (Re-enactments and Repeals) Act 1964 (which empowers them to regulate or prohibit the acquisition, distribution, &c, of any such food and to control the price to be charged for it), but a statutory instrument containing an order by which this power is exercised shall not be made unless a draft of the instrument has been laid before Parliament and has been approved by a resolution of each House of Parliament.
- (2) Any expenses incurred by the said Minister or the Secretary of State in connection with the operation of a scheme administered by a government department for the provision of any welfare food as for the time being defined by the said section 4(2) shall be defrayed out of moneys provided by Parliament.

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

- (1) In the Public Health Act 1936 references to vessels, and in the Food and Drugs Act 1955 references to ships, shall be construed as including references to hover vehicles, that is to say, vehicles designed to be supported on a cushion of air; and in each of those Acts " master" shall be construed accordingly.
- (2) This section shall have effect in Scotland as if, for the references therein to the Public Health Act 1936 and the Food and Drugs Act 1955, there were substituted references respectively to the Public Health (Scotland) Acts 1897 to 1945 and the Food and Drugs (Scotland) Act 1956.

**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) The Minister of Health 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 Regional Hospital Board constituted under the 1946 Act or the 1947 Act or a Board of Governors of a teaching hospital, 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 specified in regulations made by him with the approval of the Treasury 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 county, county borough or London borough or the Common Council of the City of London or the Greater London Council;
  - (b) the provision of a service for the provision of which an Executive Council is, by virtue of Part IV of the 1946 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 an Executive Council is, by virtue of Part IV of the 1947 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) The Minister of Health may allow instruction provided under this section to be given to persons other than persons described in subsection (1) above, and he may under this section provide instruction to an extent greater than that necessitated by the requirements of persons so described if he thinks it expedient so to do in order to allow such other persons to receive such instruction.
- (4) Subject to and in accordance with such directions as may be given by the Minister of Health, the powers conferred on him by subsection (1) above may be exercised, on his behalf, by a Regional Hospital Board constituted under the 1946 Act, a Board of Governors of a teaching hospital or an Executive Council constituted under the 1946 Act; and the power conferred on a Regional Hospital Board by this subsection may,

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subject to and in accordance with such directions as may be given by the said Minister or the Regional Hospital Board, be exercised, on behalf of the Board, by a Hospital Management Committee appointed by them.

- (5) Instruction under this section may be provided on such terms, including terms as to payment of charges, as the Minister of Health thinks fit.
- (6) The Minister of Health 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 ; and
  - (b) pay travelling and other allowances to persons availing themselves of such instruction.
- (7) 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.
- (8) In this section—
- " Board of Governors of a teaching hospital " and " Hospital Management Committee " have the same meaning as in the National Health Service Act 1946 ;
  - " 1946 Act " means the National Health Service Act 1946 ;
  - " 1947 Act " means the National Health Service (Scotland) Act 1947;
  - " the relevant enactments " means—
- (a) in relation to subsection (2)(a) above, section 48 of the Education Act 1944, the 1946 Act, Part III of the National Assistance Act 1948, section 4 of the Education (Miscellaneous Provisions) Act 1953, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 45 thereof;
  - (b) in relation to subsection (2)(c) above, the 1947 Act, Part III of the National Assistance Act 1948, sections 58 and 59 of the Education (Scotland) Act 1962 and Part I of this Act and section 45 thereof.
- (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; and as if in subsection (4) thereof.—
- (a) for references to the 1946 Act, there were substituted references to the 1947 Act;
  - (b) for the reference to a Hospital Management Committee, there were substituted a reference to a Board of Management constituted under the 1947 Act; and
  - (c) the reference to a Board of Governors of a teaching hospital were omitted.
- (10) Section 48 of the 1946 Act and section 48 of the 1947 Act shall cease to have effect.

#### **64 Financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations**

- (1) The Minister of Health 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—
- (a) " the relevant enactments " means the National Health Service Act 1946, Part III of the National Assistance Act 1948, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 45 thereof;
  - (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 Minister of Health or the council of a county, county borough or London borough or the Common Council of the City of London or a service for the provision of which an Executive Council is, by virtue of Part IV of the National Health Service Act 1946, 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 the National Health Service (Scotland) Act 1947, Part III of the National Assistance Act 1948 and Part I of this Act and section 45 thereof;
  - (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 an Executive Council is, by virtue of Part IV of the National Health Service (Scotland) Act 1947, under a duty to make arrangements ; and”.

## **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, and so may the Greater London Council.
- (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 the authority in connection with the premises or other things which they permit the organisation to use, and the Greater London Council may assist in like manner a voluntary organisation with whom arrangements have been made by them under

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section 27 of the National Health Service Act 1946 for the provision by the organisation of ambulances and other transport and of staff therefor.

(3) In this section—

- (a) "local authority" (except where used in the expression "public or local authority") means the council of a county, county borough or London borough or the Common Council of the City of London;
- (b) "the relevant enactments" means Part III of the National Health Service Act 1946, Part III of the National Assistance Act 1948, section 3 of the Disabled Persons (Employment) Act 1958, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 45 thereof;
- (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 National Health Service Act 1946, sections 26(6) and 30(2) of the National Assistance Act 1948, sections 45(4) and 46(3) of the London Government Act 1963 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 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 council to which this subsection applies 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.

This subsection applies to the town councils of small burghs and to district councils.

(2B) In this section—

- (a) "local authority" (except where used in the expression "public or local authority") means, in relation to a county including any small burgh situated therein, the county council, and, in relation to a large burgh, the town council;
- (b) "large burgh" and "small burgh" have the same meanings as in the Local Government (Scotland) Act 1947, and "district" means a



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district constituted by a district council scheme within the meaning of section 38 of that Act;

- (c) " the relevant enactments " means Part III of the National Health Service (Scotland) Act 1947, Part III of the National Assistance Act 1948, section 3 of the Disabled Persons (Employment) Act 1958 and Part I of this Act and section 45 thereof;
- (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”

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

- (1) The Minister of Health 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 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 Mental Health Act 1959 and special hospitals, there were substituted references respectively to the Secretary of State, the Mental Health (Scotland) Act 1960 and State hospitals.

#### **67 Power of the Minister of Health and the Secretary of State to purchase goods for supply to local authorities and Executive Councils**

- (1) The Minister of Health may—
  - (a) purchase and store and, on such terms as may be agreed between him and them, supply to authorities which are local health authorities for the purposes of Part III of the National Health Service Act 1946 any goods or materials required by them for the discharge of their functions as local health authorities ;
  - (b) purchase and store and, on such terms as he may deter-1 mine, supply to Executive Councils any goods or materials required by them for the discharge of their functions under section 24 of this Act;
  - (c) purchase and store and, on such terms as may be agreed between him and them, supply to local authorities any goods or materials required by them for the discharge of their functions under any of the following enactments, namely, sections 21, 29 and 31 of the National Assistance Act 1948 and section 45 of this Act;
  - (d) purchase and store and, on such terms as may be agreed between him and them, supply to councils of county districts by which functions of councils

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of counties are for the time being exercisable by virtue of a scheme made under section 46 of the Local Government Act 1958 any goods or materials required by those councils of county districts for the discharge of such of the said functions as are for the time being so exercisable by them ;

- (e) purchase and store and, on such terms as may be agreed between him and them, supply to local education authorities any goods or materials required by them for the discharge of their functions under section 48 of the Education Act 1944 (medical inspection and treatment of pupils) or section 4 of the Education (Miscellaneous Provisions) Act 1953 (dental treatment of pupils).

(2) The foregoing subsection shall have effect in Scotland as if—

- (a) for any reference therein to the Minister of Health, there were substituted a reference to the Secretary of State;
- (b) for the reference in paragraph (a) thereof to Part III of the National Health Service Act 1946, there were substituted a reference to Part III of the National Health Service (Scotland) Act 1947 ;
- (c) paragraph (d) thereof were omitted ;
- (d) for the reference in paragraph (e) thereof to section 48 of the Education Act 1944, there were substituted a reference to sections 58 and 60 of the Education (Scotland) Act 1962 ; and
- (e) for the reference in paragraph (e) thereof to section 4 of the Education (Miscellaneous Provisions) Act 1953, there were substituted a reference to sections 59 and 60 of the said Act of 1962.

*Provisions applicable to England and Wales only*

**68 Amendment of Mental Health Act 1959 in case where functions under Part IV thereof of county council are delegated**

(1) In relation to a county district whereof the council are, under a delegation scheme made under section 46 of the Local Government Act 1958, exercising the functions under Part IV of the Mental Health Act 1959 of the council of a county.—

- (a) the powers exercisable by the council of the district by virtue of section 47(2) (c) of the last-mentioned Act (order for discharge of patient received into guardianship may be made by responsible medical officer, responsible local health authority or nearest relative of patient) may be exercised by any three or more members of the council authorised by them in that behalf;
- (b) any reference in the said Part IV to the responsible medical officer shall, in relation to a patient received into guardianship under Part IV of that Act, be construed as referring to the medical officer of health of the district or any other medical officer authorised by the council of the district to act (either generally or in any particular case or for any particular purpose) as the responsible medical officer.

(2) Section 56(3) of the said Act of 1959 (which includes, amongst the matters for which regulations may be made under that section, the determination of the manner in which functions under Part IV of that Act are to be exercised by managers of hospitals, local health authorities or regional hospital boards and the specification of the circumstances in which, and the conditions subject to which, such functions may be performed by officers of, or other persons acting on behalf of the managers, authorities or boards) shall have effect as if the references to such authorities included references to the

councils of county districts by whom their functions under that Part of that Act are exercisable under such a delegation scheme as aforesaid.

(3) This section does not apply to Scotland.

**69 Repeal of section 172 of the Public Health Act 1936**

Section 172 of the Public Health Act 1936 (removal to hospital of infectious persons suffering from tuberculosis of the respiratory tract) is hereby repealed.

**70 Copy of notice under section 242 of the Public Health Act 1936 to be sent to health authority if it is not local authority**

(1) Where the local authority within whose district a common lodging-house is situate are not a local health authority, the medical officer of health of the district shall, on the day on which he receives a notice under section 242 of the Public Health Act 1936 (duty of keeper of common lodging-house to notify cases of infectious disease) from the keeper of such a lodging house (if possible) and in any case within forty-eight hours after the receipt of the notice, send a copy thereof to the local health authority within whose area that lodging-house is situate.

(2) In this section " local authority " and " district " have the same meanings as in the said Act of 1936, and " 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.

(3) This section does not apply to Scotland.

*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—

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

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- (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.

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

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**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.