



Public Health (Control of Disease) Act 1984

1984 CHAPTER 22

PART II

CONTROL OF DISEASE

Infectious persons

35 Medical examination.

- (1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by a registered medical practitioner nominated by the local authority for a district—
- (a) that there is reason to believe that some person in the district—
 - (i) is or has been suffering from a notifiable disease, or
 - (ii) 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 justice may order him to be medically examined by a registered medical practitioner so nominated.
- (2) An order under this section may be combined with a warrant under subsection (3) of section 61 below authorising a registered medical practitioner nominated by the local authority to enter any premises, and for the purposes of that subsection that practitioner shall, if not an officer of the local authority, be treated as one.

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- (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.

Modifications etc. (not altering text)

C1 S. 35 applied (with modifications) by S.I. 1988/1546, regs. 3, 4, Sch. 1

36 Medical examination of group of persons believed to comprise carrier of notifiable disease.

- (1) If a justice of the peace (acting, if he deems it necessary, ex parte) is satisfied, on a written certificate issued by the proper officer of the local authority for a district—
- (a) that there is reason to believe that one of a group of persons, though not suffering from a notifiable disease, is carrying an organism that is capable of causing it, and
 - (b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be medically examined,
- the justice may order them to be medically examined by a registered medical practitioner nominated by the local authority for that district.

- (2) Subsections (2)

and (3) of section 35 above apply in relation to subsection (1) above as they apply in relation to subsection (1) of that section.

Modifications etc. (not altering text)

C2 S. 36 applied by S.I. 1988/1546, reg. 3, Sch. 1

37 Removal to hospital of person with notifiable disease.

- (1) Where a justice of the peace (acting, if he deems it necessary, ex parte) is satisfied, on the application of the local authority, that a person is suffering from a notifiable disease and—
- (a) that his circumstances are such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken, and
 - (b) that serious risk of infection is thereby caused to other persons, and
 - (c) that accommodation for him is available in a suitable hospital vested in the Secretary of State [^{F1}or, pursuant to arrangements made by a [^{F2}Local Health Board][^{F3}or Primary Care Trust] (whether under an NHS contract or otherwise), in a suitable hospital vested in a NHS trust [^{F3}, [^{F4}NHS foundation trust,] Primary Care Trust][^{F5}, Local Health Board] or other person],
- the justice may, with the consent [^{F6}mentioned in subsection (1A) below], order him to be removed to it.

[^{F7}(1A) The consent referred to in subsection (1) above is that of a Primary Care Trust or [^{F8}Local Health Board]—

- (a) any part of whose area falls within that of the local authority, and

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- (b) which appears to the local authority to be an appropriate Primary Care Trust or [F8Local Health Board] from whom to obtain consent.]
- (2) An order under this section may be addressed to such officer of the local authority as the justice may think expedient, and that officer and any officer of the hospital may do all acts necessary for giving effect to the order.

Textual Amendments

- F1** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 26(2)(a)**
- F2** Words in s. 37(1)(c) substituted (1.4.2007) by References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 14(6)(a)**
- F3** Words in S. 37(1)(c) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 17(4)** (with art. 2(5))
- F4** Words in s. 37(1)(c) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 62**; S.I. 2004/759, art. 2
- F5** Words in s. 37(1)(c) inserted (1.4.2007) by References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 14(6)(b)**
- F6** Words in s. 37(1) substituted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 para. 11(4)(a)**
- F7** S. 37(1A) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 para. 11(4)(b)**
- F8** Words in s. 37(1A) substituted (1.4.2007) by References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 14(6)(a)**

Modifications etc. (not altering text)

- C3** S. 37 applied by S.I. 1988/1546, reg. 3, **Sch. 1**

38 Detention in hospital of person with notifiable disease.

- (1) Where a justice of the peace (acting, if he deems it necessary, ex parte) in and for the place in which a hospital for infectious diseases is situated is satisfied, on the application of any local authority, that an inmate of the hospital who is suffering from a notifiable disease would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the justice may order him to be detained in the hospital.
- (2) An order made under subsection (1) above may direct detention for a period specified in the order, but any justice of the peace acting in and for the same place may extend a period so specified as often as it appears to him to be necessary to do so.
- (3) Any person who leaves a hospital contrary to an order made under this section for his detention there shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, and the court may order him to be taken back to the hospital
- (4) An order under this section may be addressed—
- in the case of an order for a person's detention, to such officer of the hospital, and
 - in the case of an order made under subsection (3) above, to such officer of the local authority on whose application the order for detention was made,

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as the justice may think expedient, and that officer and any officer of the hospital may do all acts necessary for giving effect to the order.

Modifications etc. (not altering text)

C4 S. 38 applied (with modifications) by S.I. 1988/1546, regs. 3, 5, **Sch. 1**

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