



# Public Health (Control of Disease) Act 1984

## 1984 CHAPTER 22

### PART II

#### CONTROL OF DISEASE

##### *General*

#### **10 Notifiable diseases**

In this Act, "notifiable disease" means any of the following diseases—

- (a) cholera;
- (b) plague;
- (c) relapsing fever;
- (d) smallpox; and
- (e) typhus.

#### **11 Cases of notifiable disease and food poisoning to be reported**

- (1) If a registered medical practitioner becomes aware, or suspects, that a patient whom he is attending within the district of a local authority is suffering from a notifiable disease or from food poisoning, he shall, unless he believes, and has reasonable grounds for believing, that some other registered medical practitioner has complied with this subsection with respect to the patient, forthwith send to the proper officer of the local authority for that district a certificate stating—
- (a) the name, age and sex of the patient and the address of the premises where the patient is,
  - (b) the disease or, as the case may be, particulars of the poisoning from which the patient is, or is suspected to be, suffering and the date, or approximate date, of its onset, and

- (c) if the premises are a hospital, the day on which the patient was admitted, the address of the premises from which he came there and whether or not, in the opinion of the person giving the certificate, the disease or poisoning from which the patient is, or is suspected to be, suffering was contracted in the hospital.
- (2) A local authority shall, upon application, supply forms of certificate for use under this section free of charge to any registered medical practitioner practising in their district.
  - (3) The officer who receives the certificate shall, on the day of its receipt (if possible) and in any case within 48 hours after its receipt, send a copy—
    - (a) to the District Health Authority within whose district are situated the premises whose address is specified in the certificate in accordance with subsection (1) (a) above, and
    - (b) if the certificate is given with respect to a patient in a hospital who came there from premises outside the district of the local authority within whose district the hospital is situated and the certificate states that the patient did not contract the disease or the poisoning in the hospital—
      - (i) to the proper officer of the local authority for the district within which the premises from which the patient came are situated, and
      - (ii) to the District Health Authority for the district in which those premises are situated, if that Authority is not responsible for the administration of the hospital, and
      - (iii) to the proper officer of the relevant port health authority, if those premises were a ship or hovercraft situated within the port health district for which that authority is constituted.
  - (4) A person who fails to comply with an obligation imposed on him by subsection (1) above shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
  - (5) In this section, " hospital" means any institution for the reception and treatment of persons suffering from illness, any maternity home and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and " illness " includes mental disorder within the meaning of the Mental Health Act 1983 and any injury or disability requiring medical, surgical or dental treatment or nursing.

## **12 Fees for certificates under s. 11**

- (1) Subject to any exceptions which he may specify, the Secretary of State may direct that a District Health Authority shall pay to a registered medical practitioner for each certificate duly sent by him under section 11 above a fee of such amount as the direction may specify.
- (2) The Secretary of State may direct that different fees shall be paid under this section in relation to different circumstances.
- (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 registered 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 registered medical practitioners.
- (6) For the avoidance of doubt it is hereby declared that the fact that a registered medical practitioner who gives a certificate under section 11 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.

### **13 Regulations for control of certain diseases**

- (1) Subject to the provisions of this section, the Secretary of State may, as respects the whole or any part of England and Wales, including coastal waters, make regulations—
  - (a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases,
  - (b) for preventing danger to public health from vessels or aircraft arriving at any place, and
  - (c) for preventing the spread of infection by means of any vessel or aircraft leaving any place, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country.
- (2) Without prejudice to the generality of subsection (1) above, the Secretary of State may by any such regulations apply, with or without modifications, to any disease to which the regulations relate any enactment (including any enactment in this Act) relating to the notification of disease or to notifiable diseases.
- (3) Regulations made under this section may provide for—
  - (a) the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease,
  - (b) the questions to be answered by masters, pilots and other persons on board any vessel or aircraft as to cases of such disease on board during the voyage or on arrival,
  - (c) requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection,
  - (d) the detention of vessels or aircraft and of persons on board them,
  - (e) the duties to be performed in cases of such diseases by masters, pilots and other persons on board vessels or aircraft,

and may authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

- (4) Subject to section 14 below, regulations made under this section—
  - (a) shall specify the authorities, whether county councils, local authorities, port health authorities, Regional Health Authorities, Area Health Authorities, District Health Authorities or special health authorities, by whom they are to be enforced and executed, and
  - (b) may also provide for their enforcement and execution by officers of customs and excise,

but, in so far as they apply to officers of customs and excise, the regulations shall require the consent of the Commissioners of Customs and Excise.

- (5) Subject to section 14 below, the following persons, that is to say—
- (a) authorised officers of any such authority as is specified by the regulations in accordance with subsection (4) (a) above, and
  - (b) officers of customs and excise, shall have power to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, regulations under this section.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Any expenses incurred by a county council under this section shall, if the Secretary of State by order so directs, be defrayed as special expenses charged on such part of the county as may be provided by the order, but such an order may be revoked or varied by a subsequent order.

#### **14 Application of s. 13 to aerodromes**

- (1) in relation to aerodromes for the time being vested in or under the control of the Secretary of State, and in relation to aerodromes owned or managed by the Civil Aviation Authority or the British Airports Authority, and in relation to persons and aircraft arriving at or departing from any such aerodromes—
- (a) subsection (4) of section 13 above shall have effect as if, for paragraph (a) of that subsection, there were substituted the following paragraph—
    - “(a) may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State, and”,
  - (b) so much of that subsection as requires the consent of the Commissioners of Customs and Excise shall not apply in relation to aerodromes for the time being vested in or under the control of the Secretary of State and aerodromes owned or managed by the Civil Aviation Authority, and
  - (c) subsection (5) of that section shall have effect as if, for paragraph (a) of that subsection, there were substituted the following paragraph—
    - “(a) officers designated in accordance with subsection (4)(a) above (as modified by section 14(1)(a) below), and”.
- (2) In this section, " aerodrome " has the meaning given by section 105(1) of the Civil Aviation Act 1982.

#### **15 Contravention of regulations under s. 13**

Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulations made under section 13 above shall, in a case where no provision is made in the regulations for his punishment, be liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale, and
- (b) in the case of a continuing offence, to a further fine not exceeding £50 for every day on which the offence continues after conviction.

## **16 Power of local authority to direct that other diseases notifiable**

- (1) A local authority may by order direct that an infectious disease other than one specified in section 10 above or one to which regulations under section 13 above relate shall, for the purpose of the application to their district of such of the provisions of this Act relating to notifiable diseases as are specified in the order, be deemed to be a notifiable disease.
- (2) Subject to the provisions of this section with respect to a temporary order made in a case of emergency, an order made under this section shall have no effect until it has been approved by the Secretary of State and duly advertised.
- (3) When any such order has been approved by the Secretary of State, the local authority—
  - (a) shall give notice of the order by advertisement in a local newspaper circulating in the district and in such other manner as they think sufficient for informing persons interested, and
  - (b) shall also send a copy to each registered medical practitioner who after due inquiry is ascertained to be practising in their district,and the order shall come into operation on such date, not being earlier than one week after the date of the publication of the advertisement of the order in a local newspaper, as the local authority may fix.
- (4) If, in a case which appears to a local authority to be one of emergency, the authority resolve under this section to make a temporary order and declare in their resolution the nature of the emergency, the order may be advertised at once in accordance with the provisions of subsection (3) above and shall come into operation at the end of one week from the date of the publication of the advertisement.
- (5) A copy of the resolution to make a temporary order shall be transmitted to the Secretary of State as soon as it is passed, and the order shall, unless previously approved by him, cease to be in force at the end of one month after it is made, and may be revoked by the Secretary of State at any earlier date.
- (6) Any temporary order shall specify the period during which it is to continue in operation.
- (7) An order made under this section may be varied or revoked by an order made and approved in the like manner as the original order.

## **17 Exposure of persons and articles liable to convey notifiable disease**

- (1) A person who—
  - (a) knowing that he is suffering from a notifiable disease, exposes other persons to the risk of infection by his presence or conduct in any street, public place, place of entertainment or assembly, club, hotel, inn or shop,
  - (b) having the care of a person whom he knows to be suffering from a notifiable disease, causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid, or
  - (c) gives, lends, sells, transmits or exposes, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from any such disease, or any other article which he knows to have been so exposed and which is liable to carry such infection,shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

- (2) A person shall not incur any liability under this section by transmitting with proper precautions any article for the purpose of having it disinfected.

**18 Information to be furnished by occupier in case of notifiable disease or food poisoning**

- (1) On the application of the proper officer of the local authority for any district, the occupier of any premises in the district in which there is or has been any person suffering from a notifiable disease or food poisoning shall furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease or, as the case may be, to trace the source of food poisoning.
- (2) If any person required to furnish information under this section fails to furnish it, or knowingly furnishes false information, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (3) In this section, " occupier ", in relation to any premises, includes—
- (a) a person having the charge, management or control of the premises, or of a building of which the premises form part, and
  - (b) in the case of premises consisting of a building the whole of which is ordinarily let out in separate tenements, or of a lodging house the whole of which is ordinarily let to lodgers, the person receiving the rent payable by the tenants or by the lodgers, as the case may be, either on his own account or as the agent of another person.

**19 Trading etc. by person with notifiable disease**

A person who, knowing that he is suffering from a notifiable disease, engages in or carries on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

**20 Stopping of work to prevent spread of disease**

- (1) With a view to preventing the spread of—
- (a) a notifiable disease, or
  - (b) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies,
- the proper officer of the local authority for any district may by notice in writing request any person to discontinue his work.
- (2) The local authority shall compensate a person who has suffered any loss in complying with a request under this section, and section 57(2), (3) and (4) below shall apply to any dispute arising under this subsection.

*Children*

**21 Exclusion from school of child liable to convey notifiable disease**

- (1) A person having the care of a child who—

- (a) is or has been suffering from a notifiable disease, or
- (b) has been exposed to infection of a notifiable disease,

shall not, after receiving notice from the proper officer of the local authority for the district that the child is not to be sent to school, permit the child to attend school until he has obtained from the proper officer a certificate that in his opinion the child may attend school without undue risk of communicating the disease to others.

- (2) No charge shall be made for a certificate under this section.
- (3) A person who contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

## **22 List of day pupils at school having case of notifiable disease**

- (1) The principal of a school in which any pupil is suffering from a notifiable disease shall, if required by the proper officer of the local authority for the district, furnish to him within a reasonable time fixed by him a complete list of the names and addresses of the pupils, not being boarders, in or attending the school, or any specified department of the school.
- (2) The local authority shall pay to the principal of a school for every list furnished by him under this section the sum of 2 ½ p, and, if the list contains more than 25 names, a further sum of 2 ½ p for every 25 names (including the first 25 names) contained in the list.
- (3) If the principal of a school fails to comply with the provisions of this section, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) In this section, " the principal" means the person in charge of a school, and includes, where the school is divided into departments and no one person is in charge of the whole school, the head of any department.

## **23 Exclusion of children from places of entertainment or assembly**

- (1) This section applies—
  - (a) to any theatre, including a cinematograph theatre, and any building used as a public hall, public concert-room or lecture room, public dance room or public gymnasium or indoor swimming baths, and
  - (b) to any sports ground, outdoor swimming baths, outdoor swimming pool, or skating or roller skating rink, to which the public are admitted, either on payment of a charge for admission or not, and
  - (c) to any circus, show, fair, fete, amusement arcade or other public place of entertainment which is not in a building.
- (2) With a view to preventing the spread of a notifiable disease, a local authority may, by notice published in such manner as they think best for bringing it to the notice of persons concerned, prohibit or restrict the admission of persons under the prescribed age to any place to which this section applies for a time specified in the notice.
- (3) A notice under this section may contain exemptions from the prohibitions or restrictions which it imposes, and any such exemption may be made subject to compliance with such conditions as may be specified in the notice.

- (4) A notice under this section may be expressed to apply to particular premises, or parts of premises, designated in the notice, or to part only of the district of the local authority, but, except as otherwise provided in the notice, the notice shall apply throughout the district of the local authority.
- (5) If the person responsible for the management of a place to which this section applies, having been served by the local authority with a copy of a notice published under this section; admits any person under the prescribed age to that place in contravention of the notice, or fails to comply with any condition specified in the notice, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (6) In any proceedings for an offence under subsection (5) above, it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.
- (7) In this section, "prescribed age", in relation to a notice, means such age, not exceeding 16, as may be prescribed by the notice.

#### *Infected articles*

### **24 Infected articles not to be taken or sent to be washed or cleaned**

- (1) A person shall not send or take to any laundry or public washhouse for the purpose of being washed, or to any place for the purpose of being cleaned, any article which he knows to have been exposed to infection from a notifiable disease, unless that article—
  - (a) has been disinfected by or to the satisfaction of the proper officer of the local authority for the district or a registered medical practitioner, or
  - (b) is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.
- (2) The local authority may pay the expenses of the disinfection of any such article if carried out by them or under their direction.
- (3) The occupier of any building in which a person is suffering from a notifiable disease shall, if required by the local authority, furnish to them the address of any laundry, wash-house or other place to which articles from the house have been or will be sent during the continuance of the disease for the purpose of being washed or cleaned.
- (4) A person who contravenes or fails to comply with any provision of this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

### **25 Library books**

- (1) A person who knows that he is suffering from a notifiable disease shall not take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.
- (2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a notifiable disease.
- (3) A person shall not return to any public or circulating library a book which he knows to have been exposed to infection from a notifiable disease, or permit any such book which is under his control to be so returned, but shall give notice to the local authority,

or, in the case of a library provided by a county council, to that council, that the book has been so exposed to infection.

- (4) A local authority or, as the case may be, a county council on receiving such a notice shall cause the book to be disinfected and returned to the library, or shall cause it to be destroyed.
- (5) A person who contravenes any of the provisions of subsections (1) to (3) above shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

## **26 Infectious matter not to be placed in dustbins**

- (1) A person who places, or causes or permits to be placed, in a dustbin or ashpit any matter which he knows to have been exposed to infection from a notifiable disease, and which has not been disinfected, shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (2) The local authority shall give notice of the provisions of this section to the occupier of any house in which they are aware that there is a person suffering from a notifiable disease.
- (3) If the local authority are requested to do so by the occupier of any premises in Greater London in which there is a person suffering from a notifiable disease, they shall provide for the removal and disinfection or destruction of any rubbish that has been exposed to infection from that disease.

## **27 Provision of disinfecting stations**

A local authority may provide a disinfecting station and may cause any article brought there to be disinfected free of charge.

### *Infected premises*

## **28 Prohibition of certain work on premises where notifiable disease exists**

- (1) If a case of a notifiable disease occurs on any premises, then, whether the person suffering from the disease has been removed from the premises or not, the local authority for the district may make an order forbidding any work to which this section applies to be given out to any person living or working on those premises, or on such part of them as may be specified in the order; and any order so made may be served on the occupier of any factory or other place from which work is given out, or on any contractor employed by any such occupier.
- (2) An order under this section may be expressed—
  - (a) to operate for a specified time or until the premises or any part of them specified in the order have been disinfected to the satisfaction of the local authority, or
  - (b) to be inoperative so long as any other reasonable precautions specified in the order are taken.
- (3) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

- (4) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any incidental work, and to such other classes of work as may be specified by order of the Secretary of State.
- (5) The power of the Secretary of State to make orders under subsection (4) above shall be exercisable by statutory instrument

## **29 Letting of house or room after recent case of notifiable disease**

- (1) If a person who—
  - (a) is concerned in the letting of a house or part of a house, or in showing a house or part of a house with a view to its being let, or
  - (b) has recently ceased to occupy a house or part of a house,
 is questioned by any person negotiating for the hire of the house or any part of it as to whether there is, or has been within the preceding six weeks, in any part of the house a person suffering from a notifiable disease, and knowingly makes a false answer to that question, he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale, or to imprisonment for a term not exceeding one month.
- (2) A person who lets any house or part of a house in which a person has to his knowledge been suffering from a notifiable disease without having the house, or the part of the house, and all articles in it liable to retain infection, properly disinfected shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) The keeper of a hotel or inn who allows a room in it in which a person has to his knowledge been suffering from a notifiable disease to be occupied by any other person before the room and all articles in it liable to retain infection have been properly disinfected shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) In this section and in section 30 below, " properly disinfected " means disinfected to the satisfaction of the proper officer of the local authority for the district or a registered medical practitioner, as testified by a certificate signed by him.

## **30 Duty on ceasing to occupy house after recent case of notifiable disease**

- (1) If a person ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from a notifiable disease and either—
  - (a) he fails to have the house, or the part of the house, and all articles in it liable to retain infection, properly disinfected, or
  - (b) he fails to give to the owner of the house, or the part of the house, notice of the previous existence of the disease, or
  - (c) on being questioned by the owner as to whether within the preceding six weeks there has been in it any person suffering from any notifiable disease, he makes a false answer, he shall be liable on summary conviction—
    - (i) in the case of an offence under paragraph (a) or (b) above, to a fine not exceeding level 2 on the standard scale, or
    - (ii) in the case of an offence under paragraph (c), to a fine not exceeding level 2 on the standard scale or to imprisonment for a term not exceeding one month.

- (2) The local authority shall give notice of the provisions of this section to the occupier and also to the owner of any house in which they are aware that there is a person suffering from a notifiable disease.

### **31 Disinfection of premises**

- (1) If, on a certificate of the proper officer of the local authority for a district, the local authority are satisfied that the cleansing and disinfection of any premises, and the disinfection or destruction of any articles there likely to retain infection, would tend to prevent the spread of any infectious disease, the authority shall give notice to the occupier of the premises that they will at his cost—

- (a) cleanse and disinfect the premises, and
- (b) disinfect or, as the case may require, destroy any such articles,

unless, within 24 hours after the receipt of the notice, he informs them that within a time to be fixed by the notice he will take such steps as are specified in it.

- (2) If—

- (a) within 24 hours after receipt of the notice the person to whom it is given does not so inform the authority, or
- (b) having so informed the authority, he fails to take the specified steps to the satisfaction of the proper officer within the time fixed by the notice,

the authority may cause the premises to be cleansed and disinfected and the articles to be disinfected or destroyed, as the case may require, and may, if they think fit, recover from him the expenses reasonably incurred by them in doing so; and any such expenses may be so recovered as a simple contract debt in any court of competent jurisdiction.

- (3) Where the occupier of any premises is in the opinion of the local authority unable effectually to take such steps as they consider necessary, they may, without giving such notice but with his consent, take the necessary steps at their own cost.
- (4) Where a local authority have under this section disinfected any premises or article or destroyed any article, they may if they think fit pay compensation to any person who has suffered damage by their action.
- (5) For the purposes of this section, the owner of unoccupied premises shall be deemed to be in occupation of them.

### **32 Removal of person from infected house**

- (1) Where any infectious disease occurs in a house, or the local authority deem it necessary to disinfect any house, the authority may, on a certificate of the proper officer of the local authority for the district—

- (a) cause any person who is not himself sick and who consents to leave the house, or whose parent or guardian, where the person is a child, consents to his leaving the house, to be removed to any temporary shelter or house accommodation provided by the authority, or
- (b) cause any such person to be so removed without any consent, if a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on the application of the authority, of the necessity for the removal and makes an order for the removal, subject to such conditions, if any, as may be specified in the order.

- (2) The local authority shall in every case cause the removal to be effected, and the conditions of any order to be satisfied, without charge to the person removed, or to the parent or guardian of that person.
- (3) A local authority may provide temporary shelter or house accommodation for the purposes of this section.

### *Public conveyances*

#### **33 Use of public conveyance by person with notifiable disease**

- (1) No person who knows that he is suffering from a notifiable disease shall —
  - (a) enter any public conveyance used for the conveyance of persons at separate fares, or
  - (b) enter any other public conveyance without previously notifying the owner or driver that he is so suffering.
- (2) No person having the care of a person whom he knows to be suffering from a notifiable disease shall permit that person to be carried—
  - (a) in any public conveyance used for the conveyance of persons at separate fares, or
  - (b) in any other public conveyance without previously informing the owner or driver that that person is so suffering.
- (3) A person who contravenes any provision of this section—
  - (a) shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, and
  - (b) in addition to any fine imposed, shall be ordered by the court to pay to any person concerned with the conveyance as owner, driver or conductor a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance in accordance with section 34 below.

#### **34 Duty of owner, driver or conductor of public conveyance**

- (1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey in it a person whom he knows to be suffering from a notifiable disease.
- (2) The owner or driver of any other public conveyance may refuse to convey in it any person suffering from a notifiable disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of subsection (3) below.
- (3) If a person suffering from a notifiable disease is conveyed in a public conveyance, the person in charge of the conveyance shall—
  - (a) as soon as practicable give notice to the local authority for the district in which the conveyance is usually kept, and
  - (b) before permitting any other person to enter the conveyance, cause it to be disinfected, and any person concerned with the conveyance as its owner, driver or conductor may recover summarily as a civil debt from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him.

- (4) A person who contravenes any of the foregoing provisions of this section shall be liable on summary conviction to a fine not exceeding level I on the standard scale.
- (5) The local authority, when so requested by the person in charge of a public conveyance in which a person suffering from a notifiable disease has been conveyed, shall provide for its disinfection, and shall make no charge for the disinfection except in a case where the owner, driver or conductor conveyed a person knowing that he was suffering from a notifiable 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.
- (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.

#### **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.

### **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, the justice may, with the consent of the Area or District Health Authority responsible for the administration of the hospital, order him to be removed to it.
- (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.

### **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—
- (a) in the case of an order for a person's detention, to such officer of the hospital, and
  - (b) 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, 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.

### *Common lodging-houses*

#### **39 Keeper of common lodging-house to notify case of infectious disease**

- (1) Where a person in a common lodging-house is suffering from any infectious disease, the keeper of the lodging-house shall immediately give notice of the case to the local authority for the district.
- (2) A keeper of a lodging-house who fails to comply with subsection (1) above shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale and to a further fine not exceeding £2 for each day on which the offence continues after conviction.
- (3) The local authority within whose district a common lodging-house is situated shall, if possible on the day on which they receive a notice under subsection (1) above and in any case within 48 hours after the receipt of the notice, send a copy of the notice to the Area Health Authority within whose area, or the District Health Authority within whose district, that lodging-house is situated.

#### **40 Medical examination of inmates of common lodging-house**

If the proper officer of a local authority has reasonable grounds for believing that there is in a common lodging-house a person who is suffering, or has recently suffered, from a notifiable disease, he may make complaint thereof upon oath to a justice of the peace, and thereupon the justice may by warrant authorise him to enter the lodging-house and examine any person found in it with a view to ascertaining whether he is suffering, or has recently suffered, from a notifiable disease.

#### **41 Removal to hospital of inmate of common lodging-house with notifiable disease**

- (1) If a local authority are satisfied—
  - (a) that a person lodging in a common lodging-house is suffering from a notifiable disease, 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,they may, with the consent of the Area or District Health Authority responsible for the administration of the hospital, order him to be removed to the hospital.
- (2) The officer of the local authority to whom an order under this section is addressed and any officer of the hospital in question may do all acts necessary for giving effect to the order.

#### **42 Closure of common lodging-house on account of notifiable disease**

(1) If, on the application of a local authority, a magistrates' court is satisfied that it is necessary in the interests of the public health that a common lodging-house should be closed on account of the existence, or recent occurrence, in it of a case of notifiable disease, the court may make an order directing the lodging-house to be closed until it is certified by the proper officer of the local authority for the district to be free from infection.

- (2) Any person who fails to comply with an order under subsection (1) above shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, and to a further fine not exceeding £2 for each day on which the offence continues after conviction.

*Death of person suffering from notifiable disease*

**43 Person dying in hospital with notifiable disease**

- (1) If—
- (a) a person dies in hospital while suffering from a notifiable disease, and
  - (b) the proper officer of the local authority for the district or a registered medical practitioner certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital except for the purpose of being taken direct to a mortuary or being forthwith buried or cremated,
- it shall not be lawful for any person to remove the body from the hospital except for such a purpose.
- (2) In any such case, when the body is removed for the purpose of burial or cremation from the hospital or any mortuary to which it has been taken, it shall forthwith be taken direct to some place of burial or crematorium and there buried or cremated.
- (3) A person who contravenes any provision of this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

**44 Isolation of body of person dying with notifiable disease**

Every person having the charge or control of premises in which is lying the body of a person who has died while suffering from a notifiable disease shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body, and if he fails to do so he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

**45 Restriction of wakes**

It shall not be lawful to hold a wake over the body of a person who has died while suffering from a notifiable disease; and the occupier of any premises who permits or suffers any such wake to take place on them, and every person who takes part in the wake, shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.