



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART IV

MISCELLANEOUS MATTERS

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)

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Act 1936 (removal to hospital of infectious persons suffering from tuberculosis of the respiratory tract) is hereby repealed.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