



Employment Medical Advisory Service Act 1972

1972 CHAPTER 28

Employment Medical Advisory Service

- 1 Establishment, organization and functions of employment medical advisory service**
- (1) The Secretary of State shall establish and maintain an employment medical advisory service for the purpose of securing that he and others concerned with the health of employed persons, and of persons training for employment, can be kept informed of, and adequately advised on, matters of which they ought respectively to take cognisance concerning the safeguarding and improvement of the health of those persons, and for other purposes of his functions relating to employment; and to that end he shall, with the approval of the Minister for the Civil Service as to numbers, appoint persons to be employment medical advisers.
 - (2) The Secretary of State may also, for the purposes mentioned in subsection (1) above, and for the purpose of assisting employment medical advisers in the performance of their functions, investigate or assist in the investigation of problems arising in connection with any such matters as are so mentioned or otherwise in connection with the functions of employment medical advisers, and for the purpose of investigating such problems may provide and maintain such laboratories and other services as appear to him to be requisite.
 - (3) A person shall not be qualified to be appointed, or to be, an employment medical adviser unless he is a fully registered medical practitioner.
 - (4) The Secretary of State may appoint one of the employment medical advisers as chief employment medical adviser, and one or more of them as deputy chief employment medical adviser, and may determine the cases and circumstances in which they or any of them are to perform the duties or exercise the powers conferred on employment medical advisers by or under this Act or otherwise.

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- (5) An employment medical adviser shall have, for the performance of his functions, power to do all such things as an inspector under the Factories Act 1961 has, for the purpose of the execution of that Act, power to do under so much of section 146(1) and section 147 of that Act as is set out in Part I of Schedule 1 to this Act; and—
- (a) in relation to any exercise of the powers conferred by this subsection so much of section 146(2) to (4) of that Act as is so set out shall have effect, with the substitution of a reference to an employment medical adviser for any reference to an inspector, as it has effect in relation to an exercise of the corresponding powers conferred by that Act, and in section 147 of that Act as it has effect in relation to employment medical advisers the reference to section 146(2) to (4) shall apply accordingly; and
 - (b) an employment medical adviser authorised by the Secretary of State to exercise the powers conferred by this subsection shall be furnished by the Secretary of State with a certificate of his authority and, when exercising those powers, shall, if required so to do, produce the certificate.

References above in this subsection to any provision of the Factories Act 1961 are to be taken to include references to it as extended by the provisions of Part VII of that Act listed in Part II of Schedule 1 to this Act (which in relation to the places or processes described in column 2 in that Part of the Schedule give the Factories Act 1961 or parts of it an application extending beyond factories).

- (6) It shall be the duty of every local education authority or, in Scotland, education authority to arrange for one of their officers who is a fully registered medical practitioner to furnish, on the application of an employment medical adviser, such particulars of the school medical record of a person who has not attained the age of eighteen and such other information relating to his medical history as the adviser may reasonably require for the efficient performance of his functions; but no particulars or information about any person which may be furnished to an adviser in pursuance of this subsection shall (without the consent of that person) be disclosed by the adviser otherwise than for the efficient performance of his functions.
- (7) The Secretary of State may pay—
- (a) to employment medical advisers such salaries or such fees and travelling or other allowances ; and
 - (b) to other persons called upon to give advice in connection with the execution of his functions under this section such travelling or other allowances or compensation for loss of remunerative time ; and
 - (c) to persons attending for medical examinations conducted by, or in accordance with arrangements made by, employment medical advisers (including pathological, physiological and radiological tests and similar investigations so conducted) such travelling or subsistence allowances or such compensation for loss of earnings;
- as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.
- (8) Any expenses of the Secretary of State under this section shall be defrayed out of moneys provided by Parliament.
- (9) In subsection (1) above the reference to persons training for employment shall include persons attending industrial rehabilitation courses provided under section 3(1) of the Disabled Persons (Employment) Act 1944 or under arrangements made under that section, and the reference to those (other than the Secretary of State) concerned with

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the health of employed persons and of persons training for employment shall be taken to include organisations of employers or employed persons and associations of such organisations.