



Public Health Act 1961

1961 CHAPTER 64

PART III

PREVENTION AND NOTIFICATION OF DISEASE

38 Power of justice to order a 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 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 a notifiable disease, 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 the medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.

- (2) An order under this section may be combined with a warrant under subsection (2) of section two hundred and eighty-seven of the Public Health Act, 1936, authorising the medical officer of health to enter any premises.

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

- (1) On the application of the medical officer of health 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.

Status: This is the original version (as it was originally enacted).

- (2) If any person required to furnish information under this section fails to furnish it, or knowingly furnishes false information, he shall be liable to a fine not exceeding five pounds.
- (3) In this section " occupier ", in relation to any premises, include—
 - (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.

40 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 on the advice of their medical officer of health 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, save 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 some 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 to a fine not exceeding ten pounds:

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.
- (6) In this section " prescribed age " in relation to a notice means such age, not exceeding sixteen, as may be prescribed by the notice.

41 Compensation for stopping employment 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 twenty-three of the Food and Drugs Act, 1955, applies,the medical officer of health 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 subsection (2) of section two hundred and seventy-eight of the Public Health Act, 1936, shall apply in relation to any dispute arising under this subsection.

42 Inducements to children offered by dealers in rags and old clothes

Section one hundred and fifty-four of the Public Health Act, 1936 (which makes it an offence for a dealer in rags or old clothes to sell or deliver any article to a person under fourteen years), shall apply in relation to the sale or delivery to a person under that age of any animal, fish, bird or other living thing as it applies in relation to the sale or delivery to such a person of any article.