



Public Health Act 1936

1936 CHAPTER 49

PART V

PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE.

Regulations for the prevention and treatment of infectious disease, dec.

143 Power of Minister to make regulations with a view to the treatment of certain diseases, and for preventing the spread of such diseases.

- (1) Subject to the provisions of this section, the Minister may, as respects the whole or any part of England and Wales, including the coastal waters thereof, 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;

and without prejudice to the generality of the foregoing words, 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 :

Provided that, before making regulations under paragraph (b) or paragraph (c) of this subsection, the Minister shall consult, in the case of vessels, the Board of Trade and, in the case of aircraft, the Secretary of State.

- (2) 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;

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- (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) the detention of vessels or aircraft and of persons on board them;
- (d) 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.

- (3) Regulations made under this section shall specify the authorities, whether county councils, local authorities or port health authorities, by whom they are to be enforced and executed, and may also provide for their enforcement and execution by officers of customs and excise and officers and men employed in the coastguard :

Provided that regulations so made shall require—

- (i) so far as they apply to officers of customs and excise, the consent of the Commissioners of Customs and Excise;
- (ii) so far as they apply to officers or men employed in the coast-guard, the consent of the Admiralty and the Board of Trade;
- (iii) so far as they apply to signals, in the case of vessels, the consent of the Board of Trade and, in the case of aircraft, the consent of the Secretary of State.

- (4) Authorised officers of any such authority, officers of customs and excise and officers and men employed in the coast-guard shall have power to enter any premises, vessel, or aircraft for the purpose of executing, or superintending the execution of, any such regulations as aforesaid.
- (5) Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulations made by the Minister under this section shall, in a case where no provision is made by the regulations for his punishment, be liable to a fine not exceeding one hundred pounds, and in the case of a continuing offence to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction therefor.
- (6) Any expenses incurred by a county council under this section shall, if the Minister by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.
- (7) Regulations made under this section shall be laid before Parliament.
- (8) This section extends to London.
- (9) His Majesty may by Order in Council direct that the provisions of subsections (1) to (7) of this section, so far as they relate to regulations (including regulations as to quarantine) with respect to matters with respect to which the Parliament of Northern Ireland has no power to make laws, shall extend to Northern Ireland, subject to such exceptions, modifications and adaptations as may be specified in the Order.
- (10) His Majesty may by Order in Council direct that regulations made under this section, other than regulations for purposes mentioned in paragraph (a) of subsection (1) which will be operative on land, shall extend to the Isle of Man and the Channel Islands with such exceptions, modifications and adaptations as maybe specified in the Order, and for the purposes of any such Order the provisions of subsections (4) and (5) of this section shall be deemed to form part of the regulations.

Notification of disease.

144 Obligation to notify certain diseases.

- (1) When an inmate of any building used for human habitation, not being a hospital in which persons suffering from an infectious disease are received, is suffering from a notifiable disease—
 - (a) the head of the family to which that inmate (in this section referred to as " the patient ") belongs and, in his default, the nearest relatives of the patient present in the building or in attendance on the patient, and, in default of such relatives, every person in charge of or in attendance on the patient, and, in default of any such person, the occupier of the building, shall, as soon as he becomes aware that the patient is suffering from a notifiable disease, send notice thereof to the medical officer of health of the district in which the building is situate;
 - (b) every medical practitioner attending .on, or called in to visit, the patient shall, as soon as he becomes aware that the patient is suffering from a notifiable disease, send to the medical officer of health of the district in which the building is situate a certificate stating the name of the patient, the situation of the building, and the disease from which, in the opinion of that medical practitioner, the patient is suffering.
- (2) Any person who fails to send a notice or certificate which he is required by this section to send shall be liable to a fine not exceeding forty shillings:

Provided that a person who is required to send notice only in default of some other person shall not be liable to a fine, if he satisfies the court that he believed, and had reasonable grounds for believing, that the notice had been duly sent.

- (3) In this section the expression " occupier " includes a person having the charge, management, or control of the building, or of the part of a building, in which the patient is, and in the case of a building the whole of which is ordinarily let out in separate tenements, or in the case of a lodging-house the whole of which is ordinarily let to lodgers, the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person.

145 Supply of forms of certificate, and fees for certificates.

- (1) A local authority shall, upon application, supply forms of certificate for use under the last preceding section free of charge to any medical practitioner practising in their district, and shall pay to a medical practitioner for each certificate duly sent by him under that section a fee of two shillings and sixpence if the case occurs in his private practice, and a fee of one shilling if the case occurs in his practice as medical officer of any public body or institution.
- (2) Where the medical practitioner attending a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which, if he were not the medical officer of health, he would have been entitled in respect of a certificate sent by him to the medical officer.

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146 Notification of cases occurring in buildings occupied for purposes of the defence services.

- (1) Where a case of a notifiable disease occurs in a building in the occupation of any of His Majesty's forces, or of any person employed by or under the Admiralty, the Army Council, or the Air Council, it shall be the duty of the medical practitioner attending the patient to certify the case to the medical officer of health of the district, if it would have been his duty so to certify it had it occurred in a building in private occupation.
- (2) Unless the medical practitioner is a medical officer holding a commission in His Majesty's forces, the local authority shall pay to him for the certificate a fee of one shilling, whether the case occurs in his private practice or not.

147 Power of local authority to declare further diseases to be notifiable.

- (1) A local authority may order that the provisions of this Part of this Act relating to the notification of disease shall apply in their district to an infectious disease not being a disease specifically mentioned in the definition of " notifiable disease " contained in this Act, and, while such an order is in operation, an infectious disease mentioned therein shall, within the district of the authority, be a notifiable disease to which the provisions of this Act relating to notifiable diseases apply :

Provided that, subject to the provisions of this section with respect to a temporary order made in a case of an emergency, an order made under this section shall have no effect until it has been approved by the Minister and duly advertised.

- (2) When any such order has been approved by the Minister, the local authority 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 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.
- (3) 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 the last preceding subsection and shall come into operation at the expiration of one week from the date of the publication of the advertisement:

Provided that a copy of the resolution shall be transmitted to the Minister so soon as it is passed, and the order shall, unless previously approved by the Minister, cease to be in force at the expiration of one month after it is made, and may be revoked by the Minister at any earlier date.

Any such temporary order shall specify the period during which it is to continue in operation.

- (4) An order made under this section may be varied or revoked by an order made and approved in like manner as the original order.

Provisions for preventing spread of infection.

148 Penalty on exposure of persons and articles liable to convey notifiable disease.

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 to a fine not exceeding five pounds :

Provided that a person shall not incur any liability under this section by transmitting with proper precautions any article for the purpose of having it disinfected.

149 Person suffering from notifiable disease not to carry on occupation to danger of others.

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 to a fine not exceeding five pounds.

150 Child liable to convey notifiable disease may be ordered not to attend school.

- (1) A person having the care of a child who is, or has been, suffering from, or has been exposed to infection of, a notifiable disease, shall not, after receiving notice from the medical officer of health of the district that the child is not to be sent to school, permit the child to attend school, until he has obtained from the medical officer of health a certificate, for which no charge shall be made, that in his opinion the child may attend school without undue risk of communicating the disease to others.
- (2) A person who contravenes the provisions of this section shall be liable to a fine not exceeding five pounds.

151 Local authority may require list of day-scholars at school where notifiable disease exists.

- (1) The principal of a school in which any scholar is suffering from a notifiable disease shall, if required by the medical officer of health of the district, furnish to him within a reasonable time fixed by him a complete list of the names and addresses of the scholars, 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 sixpence, and, if the list contains more than twenty-five names, a further sum of sixpence for every twenty-five names (including the first twenty-five names) contained in the list.

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- (3) If the principal of a school fails to comply with the provisions of this section, he shall be liable to a fine not exceeding five pounds.
- (4) In this section the expression " 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.

152 Restrictions on sending or taking infected articles to laundry or public washhouse, or to cleaners.

- (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 has been disinfected by, or to the satisfaction of, the medical officer of health of the district or some other registered medical practitioner, or 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 as aforesaid 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, washhouse 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 to a fine not exceeding five pounds.

153 Power to prohibit home 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 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 thereof 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 to operate for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the medical officer of health, or may be expressed 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 to a fine not exceeding ten pounds.
- (4) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be specified by order of the Minister.

154 Restrictions on sales, and &c, by persons collecting, or dealing in, rags, old clothes or similar articles.

- (1) No person who collects or deals in rags, old clothes or similar articles, and no person assisting, or acting on behalf of, any such person as aforesaid, shall—
 - (a) in or from any shop or premises used for, or in connection with, the business of a dealer in any such articles as aforesaid; or
 - (b) while engaged in collecting any such articles as aforesaid, sell or deliver, whether gratuitously or not, any article of food or drink to any person, or any article whatsoever to a person under the age of fourteen years.
- (2) A person who contravenes any of the provisions of this section shall be liable to a fine not exceeding five pounds,

155 Provisions as to 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 person who contravenes any of the foregoing provisions of this section shall be liable to a fine not exceeding five pounds.
- (5) A local authority or, as the case may be, a county council on receiving such a notice as aforesaid shall cause the book to be disinfected and returned to the library, or shall cause it to be destroyed.

156 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 to a fine not exceeding five pounds.
- (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.

157 Provisions as to the letting of houses, or rooms in hotels, after recent case of notifiable disease.

- (1) If any 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,

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is questioned by any person negotiating for the hire ' of the house, or any part thereof, 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 to a fine not exceeding twenty pounds, 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 therein liable to retain infection, disinfected to the satisfaction of the medical officer of health of the district or of some other registered medical practitioner, as testified by a certificate signed by him, shall be liable to a fine not exceeding twenty pounds.
- (3) The keeper of an hotel or inn who allows a room therein in which any person has to his knowledge been suffering from a notifiable disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of the medical officer of health of the district or of some other registered medical practitioner, as testified by a certificate signed by him, shall be liable to a fine not exceeding twenty pounds.

158 Persons ceasing to occupy house to disclose to owner any recent case of notifiable disease, and to disinfect.

- (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) fails to have the house, or the part of the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of health of the district or some other registered medical practitioner, as testified by a certificate signed by him; or
 - (b) 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 therein any person suffering from any notifiable disease, makes a false answer to such question,he shall be liable, in the case of an offence under paragraph (a) or paragraph (b) of this subsection, to a fine not exceeding twenty pounds and, in the case of an offence under paragraph (c), to a fine not exceeding twenty pounds 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.

159 Provisions as to use of public conveyances by persons suffering from 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 thereof 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 thereof that that person is so suffering.
- (3) A person who contravenes any provision of this section shall be liable to a fine not exceeding five pounds and, 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 thereof a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance under the provisions in that behalf contained in the next succeeding section.

160 Duty of owner, and &c, of public conveyance in regard to cases of notifiable disease.

- (1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares, shall not convey therein 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 therein 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 the next succeeding subsection.
- (3) If a person suffering from a notifiable disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable, give notice to the medical officer of health of the district in which the conveyance is usually kept, and, before permitting any other person to enter the conveyance, shall cause it to be disinfected, and any person concerned with the conveyance as owner, driver or conductor thereof may recover in a summary manner 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 to a fine not exceeding five pounds.
- (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 in respect thereof except in a case where the owner, driver or conductor conveyed a person knowing that he was suffering from a notifiable disease.

161 Power of Minister to make regulations as to disposal of dead bodies.

The Minister, with the concurrence of the Secretary of State, may make regulations imposing any conditions and restrictions with respect to means of disposal of dead bodies otherwise than by burial or cremation, as to the period of time a body may be retained after death on any premises, or with respect to embalming or preservation, which may appear to be desirable in the interests of public health or public safety.

162 Power of justice to order dead body to be removed to mortuary, or buried forthwith.

- (1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a certificate of the medical officer of health of the district in which a dead body lies, or on a certificate of any other registered medical practitioner on the staff of the local authority of that district, that the retention of the body in any building would endanger the health of the inmates of that building, or of any adjoining or neighbouring building, he may order that the body be removed by, and at the cost of, the local authority to a mortuary, and that the necessary steps be taken to secure that it is buried within a time limited by the order or, if he considers immediate burial necessary, immediately :

Provided that relatives or friends of the deceased person shall be deemed to comply with an order so made if they cause the body to be cremated within the time limited by the order, or, as the case may be, immediately.

- (2) Unless relatives or friends of the deceased person undertake to, and do, cause the body to be buried or cremated within the time limited by the order or, as the case may be, immediately, it shall be the duty of the relieving officer of the district within which the body was lying at the time of the application to the justice to cause the body to be buried, and any expenses reasonably incurred by him in so doing may be recovered summarily by the council whose officer he is from any person legally liable to pay the expenses of the burial.
- (3) An order under this section shall be an authority to any officer named therein to do all acts necessary for giving effect to the order.

163 Restrictions in certain cases on removal of bodies of persons dying in hospital.

- (1) If a person dies in a hospital while suffering from a notifiable disease and the medical officer of health of the district, or some other 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 as aforesaid, 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 to a fine not exceeding five pounds.

164 Avoidance of contact with body of person who suffered from 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, shall be liable to a fine not exceeding five pounds.

165 Wake not to be held over body of person who suffered from notifiable disease.

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 thereon, and every person who takes part in the wake, shall be liable to a fine not exceeding five pounds.

Provisions as to disinfection of premises and articles, and the removal of infected persons.

166 Power of local authority to provide disinfecting station.

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

167 Cleansing and disinfection of premises and articles therein.

- (1) If a local authority are satisfied upon a certificate of the medical officer of health of the district that the cleansing and disinfection of any premises, and the disinfection or destruction of any articles therein 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 cleanse and disinfect the premises and disinfect or, as the case may require, destroy any such articles therein, unless, within twenty-four 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 therein.
- (2) If within twenty-four hours after receipt of the notice the person to whom it is given does not inform the authority as aforesaid, or if, having so informed the authority, he fails to take such steps as aforesaid to the satisfaction of the medical officer of health 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 so doing.
- (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 as aforesaid 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 thereof.

168 Power of local authority to remove temporarily inmates of infected house.

- (1) When 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 medical officer of health of 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 therefrom to any temporary shelter or house accommodation provided by the authority;

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- (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.

169 Provision for removal to hospital of persons suffering from notifiable disease where serious risk of infection being spread.

- (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 or institution, the justice may, with the consent of the superintending body of the hospital or institution, order him to be removed thereto and maintained therein at the cost of the authority.
- (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 or institution may do all acts necessary for giving effect to the order.

170 Power of justice to order detention in hospital of infected person without proper lodging to return to.

- (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 situate 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 at the cost of the authority:

Provided that the making of such an order shall not affect the liability of any council who by virtue of any contract or order, or otherwise, are under an obligation to defray the cost of his maintenance whilst in the hospital.

- (2) An order made under the preceding subsection 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 so to do.
- (3) Any person who leaves a hospital contrary to an order made under this section for his detention therein shall be liable to a fine not exceeding five pounds, and the court may order him to be taken back to the hospital.

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- (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 the last preceding subsection, 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.

Provisions as to treatment of tuberculosis.

171 Institutional treatment of tuberculosis.

- (1) It shall be the duty of the council of every county and county borough to make adequate arrangements for the treatment of persons in their county or borough, who are suffering from tuberculosis, at or in dispensaries, sanatoria and other institutions approved by the Minister.
- (2) The Minister may under this section approve an institution for such time, and subject to such conditions, as he thinks fit, and may withdraw any such approval.

172 Removal to hospital of infectious persons suffering from tuberculosis of the respiratory tract.

- (1) Where a court of summary jurisdiction is satisfied, on the application of a county council or local authority, that a person suffering from tuberculosis of the respiratory tract (in this section referred to as "the patient") is in an infectious state, 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 or institution,
- the court may, with the consent of the superintending body of the hospital or institution, order him to be removed thereto and to be detained and maintained therein for such period not exceeding three months as the court thinks fit.
- (2) Where, before the expiration of any period for which a patient has been ordered to be detained under this section, a court of summary jurisdiction acting for the same petty sessional division or place is satisfied, upon the application of the county council or local authority, that the conditions which led to his detention being ordered will again exist if he is not detained for a further period, the court may, subject to the like consent, order his detention for a further period, not exceeding three months.
- (3) Before making an application for an order under this section, the county council or local authority shall give to the patient, or to some person having the care of him, not less than three clear days' notice of the time and place at which the application will be made.
- (4) On the hearing of any application under this section, the court may, if it thinks it necessary so to do, require the patient to be examined by such registered medical practitioner as it may direct.
- (5) The county council or local authority on whose application an order has been made under this section shall, if so directed by the court—
- (i) pay the whole, or such part as the court may direct, of the cost of the patient's removal to and maintenance in the hospital or institution;

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(ii) make towards the maintenance of any of his dependants such contribution as the court may direct;
and, in the absence of any direction by the court, may pay the whole or such part, if any, as they think fit of the said cost and make such contribution, if any, as they think fit.

- (6) At any time after the expiration of six weeks from the date of an order made under subsection (1) of this section, application for the rescission of that order, if it is still in force, or of any further order made under subsection (2) of this section, may, upon not less than three clear days' notice to the county council or local authority concerned, be made to a court of summary jurisdiction acting for the same petty sessional division or place, and upon the hearing of any such application the court may rescind the order.
- (7) An order under this section may be addressed to such officer of the county council or local authority as the court may think expedient, and that officer and any officer of the hospital or institution may do all acts necessary for giving effect to the order.

173 General provisions as to treatment of tuberculosis and after-care.

- (1) Without prejudice to the foregoing provisions of this Part of this Act with respect to institutional treatment, a county council or a local authority may make such arrangements as they think desirable for the treatment of tuberculosis.
- (2) The council of a county or county borough may make such arrangements as they think desirable for the after-care of persons who have suffered from tuberculosis.

174 Expenses of county councils in connection with tuberculosis.

Any expenses incurred under the three last preceding sections by a county council shall, if the Minister by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

175 Special provisions with respect to treatment of tuberculous seamen.

- (1) The Minister may, by order, constitute an advisory committee for the purpose of assisting the councils of counties and county boroughs in making arrangements for the treatment of persons suffering from tuberculosis who are masters, seamen, or apprentices in or to the sea service or the sea-fishing service.
- (2) An order under this section may provide for the advisory committee including representatives—
- (a) of the council of any county or county borough within whose area a substantial number of persons who are masters, seamen or apprentices in or to the sea service or the sea-fishing service are resident; and
 - (b) of the governing body of the Seamen's Special Fund for which provision is made, by section one hundred and thirty-eight of the National Health Insurance Act, 1936, so long as that body contribute out of their funds towards the expenses of the committee; and
 - (c) if the said governing body cease at any time so to contribute, of societies approved under the National Health Insurance Act, 1936, more than three-fourths of whose members are persons who are such masters, seamen or apprentices as aforesaid,

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and may contain such incidental, consequential and supplemental provisions as appear to the Minister to be necessary or appropriate for giving full effect to the order.

- (3) An order made under this section may be varied or revoked by another order so made.
- (4) This section extends to London.

Provisions with respect to blindness.

176 Power of county councils and local authorities in respect of the prevention and treatment of blindness.

- (1) A county council or local authority may make such arrangements as they think desirable for assisting in the prevention of blindness, and in particular for the treatment of persons ordinarily resident within their area who are suffering from any disease of, or injury to, the eyes.
- (2) Any expenses incurred under this section by a county council shall, if the Minister by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.
- (3) For the purposes of this section, a person who becomes an inmate of a hospital or institution shall be deemed to continue to be ordinarily resident within the area within which he was ordinarily resident before he became an inmate of the hospital or institution.

Miscellaneous.

177 Power of local authority to provide temporary supply of medicine and medical assistance, and to provide nursing attendance in certain cases.

- (1) A local authority may, with the approval of the Minister, provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.
- (2) A local authority may provide nurses for attendance on patients suffering from any infectious disease in their district in cases where suitable hospital accommodation is not available, or removal to hospital is likely to endanger the patient's health, and may make charges for the services of nurses so provided.

178 Power of county councils and local authorities to subscribe to nursing associations.

A county council or local authority may contribute by way of an annual subscription towards the support and maintenance of any association for providing nurses.

179 Instruction, lectures, and &c, on questions relating to health or disease.

Subject to such conditions and restrictions, if any, as the Minister may by regulations prescribe, a county council or local authority may arrange for the publication within their area of information on questions relating to health or disease, and for the delivery of lectures and the display of pictures or cinematograph films in which such questions

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are dealt with, and may defray the whole or a part of the expenses incurred for any of the purposes of this section.

180 Qualifications for certain appointments in connection with tuberculosis and venereal disease.

- (1) The Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by a county council or local authority in pursuance of arrangements made under—
 - (a) the provisions of this Part of this Act which relate to tuberculosis; or
 - (b) regulations made under this Part of this Act for the treatment of venereal disease;and no person shall be appointed as such a medical officer or health visitor unless his qualifications are in accordance with the regulations.
- (2) Regulations made under this section shall be laid before Parliament.
- (3) This section, except in so far as it relates to appointments in connection with the treatment of tuberculosis, shall extend to London.