



Public Health Act 1936

1936 CHAPTER 49

PART V

PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE.

Provisions as to treatment of tuberculosis.

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.

Status: This is the original version (as it was originally enacted).

- (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;
 - (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.