



# Public Health (Scotland) Act 1945

1945 CHAPTER 15 9 and 10 Geo 6

An Act to consolidate with amendments the provisions of Part IV of the Public Health (Scotland) Act 1897, as amended by the Public Health Act 1904, relating to epidemic, endemic or infectious diseases. [20th December 1945]

## Modifications etc. (not altering text)

- C1 Act extended by [Health Services and Public Health Act 1968 \(c. 46\), s. 62](#); amended by [ibid.](#), s. 73 and [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 142](#)

## 1 Power of Secretary of State 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 Secretary of State may, as respects the whole or any part of Scotland, 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;
- [<sup>F1</sup>(d) for preventing the contamination of food by any person affected with a condition or disease likely to cause food poisoning;]

and without prejudice to the generality of the foregoing words, may by any such regulations apply, with or without modifications, to any disease [<sup>F2</sup>or condition] to which the regulations relate any enactment (including any enactment in the Public Health (Scotland) Acts 1897 to 1939) relating to the notification of disease or to notifiable diseases.

- (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 local authorities <sup>F3</sup>..., [<sup>F4</sup>or Health Boards][<sup>F5</sup>or National Health Service trusts established under section 12A of the National Health Service (Scotland) Act 1978], by whom they are to be enforced and executed, and may also provide for their enforcement and execution by officers of customs and excise . . . <sup>F6</sup>:

Provided that nothing in such regulations shall authorise any such authority, [<sup>F4</sup>Board][<sup>F7</sup>National Health Service trust], [<sup>F8</sup>or officer] to institute proceedings for an offence against the regulations.

- (4) Authorised officers of any such authority, [<sup>F9</sup>Board][<sup>F10</sup>or], officers of customs and excise . . . <sup>F11</sup> 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 Secretary of State under this section shall be liable on summary conviction to a fine not exceeding [<sup>F12</sup>level 5 on the standard scale], 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) Regulations made by the Secretary of State under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the period of forty days beginning with the day on which any such regulations are laid before it resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (7) The Secretary of State may, if he thinks fit, by order authorise or require any two or more local authorities to act together for the purposes of this section, and may prescribe the mode of such joint action, and of defraying the costs thereof.
- (8) In this section—

the expression “authorised officer” means as respects any local authority <sup>F13</sup>..., an officer of that authority authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter:

Provided that the [<sup>F14</sup>health board competent person] and sanitary inspector of any authority, shall by virtue of their appointments, be deemed to be authorised officers for the purposes of this Act;

the expression “coastal waters” means waters within a distance of three nautical miles from any point on the coast measured from low water mark of ordinary spring tides;

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[<sup>F15</sup>the expression “health board competent person” means a person designated by a health board under section 3(1) of the Public Health etc. (Scotland) Act 2008;]

[<sup>F16</sup>the expression “local authority” means [<sup>F17</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];

<sup>F18</sup>  
...

<sup>F19</sup>  
...

the expression “vessel” has the same meaning as [<sup>F20</sup>“ship” in the Merchant Shipping Act 1995].

Other expressions have the same meaning as in the Public Health (Scotland) Act 1897.

### Textual Amendments

- F1** S. 1(1)(d) inserted by [Food and Drugs \(Scotland\) Act 1956 \(c. 30\), s. 23](#)
- F2** Words inserted by [Food and Drugs \(Scotland\) Act 1956 \(c. 30\), s. 23](#)
- F3** Words in s. 1(3) omitted (1.10.2009) by virtue of [Public Health etc. \(Scotland\) Act 2008 \(Commencement No. 2, Savings and Consequential Provisions\) Order 2009 \(S.S.I. 2009/319\), art. 2, sch. 2 para. 1\(2\)](#)
- F4** Words inserted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 76\(a\)](#)
- F5** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 66\(1\), Sch. 9 para. 4](#)
- F6** Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 29, Sch. 9 Pt. I para. 2\(1\)](#)
- F7** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 66\(1\), Sch. 9, para. 4](#)
- F8** Words substituted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 29, Sch. 9 Pt. I para. 2\(2\)](#)
- F9** Word inserted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 76\(b\)](#)
- F10** Word inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 29, Sch. 9 Pt. I para. 2\(3\)](#)
- F11** Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 29, Sch. 9 Pt. I para. 2\(1\)](#)
- F12** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 56, Sch. 6](#) and by [1995 c. 40, ss. 3, 7\(2\) Sch. 1 para. 10, Sch. 2 Pt. III](#) it is provided (S.) (1.4.1996) that s. 1(5) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 5 on the standard scale and £50 per day during which the offence continues instead of of a fine not exceeding £100
- F13** Words in s. 1(8) omitted (1.10.2009) by virtue of [Public Health etc. \(Scotland\) Act 2008 \(Commencement No. 2, Savings and Consequential Provisions\) Order 2009 \(S.S.I. 2009/319\), art. 2, sch. 2 para. 1\(3\)\(a\)\(i\)](#)
- F14** Words in s. 1(8) substituted (temp.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(Commencement No. 2, Savings and Consequential Provisions\) Order 2009 \(S.S.I. 2009/319\), art. 2, sch. 2 para. 1\(3\)\(a\)\(ii\)](#)
- F15** Words in s. 1(8) inserted (temp.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(Commencement No. 2, Savings and Consequential Provisions\) Order 2009 \(S.S.I. 2009/319\), art. 2, sch. 2 para. 1\(3\)\(c\)](#)
- F16** Definition substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27 Pt. II para. 84](#)
- F17** Words in definition of “local authority” in s. 1(8) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 26; S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)
- F18** Definitions repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

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- F19** Words in s. 1(8) omitted (1.10.2009) by virtue of [Public Health etc. \(Scotland\) Act 2008](#) (Commencement No. 2, Savings and Consequential Provisions) Order 2009 (S.S.I. 2009/319), art. 2, [sch. 2 para. 1\(3\)\(b\)](#)
- F20** Words in definition of “vessel” in s. 1(8) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), [Sch. 13 para. 20](#) (with s. 312(1))

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**Modifications etc. (not altering text)**

- C2** S. 1 modified by [Civil Aviation Act 1982](#) (c. 16, SIF 9), [s. 36\(8\)](#)
- C3** References to specified officers of a local authority to be construed as references to the proper officer of a local authority: [Local Government \(Scotland\) Act 1973](#) (c. 65), [Sch. 27 Pt. I para. 2](#)

**2** ..... **F21**

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**Textual Amendments**

- F21** [S. 2](#) repealed by [Statute Law \(Repeals\) Act 1981](#) (c. 19), s. 1(1), [Sch. 1 Pt. XII](#)

**3 Citation.**

This Act may be cited as the Public Health (Scotland) Act 1945, and the Public Health (Scotland) Acts 1897 to 1939 and this Act may be cited together as the Public Health (Scotland) Acts 1897 to 1945.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act repealed by [2008 asp 5 Sch. 3 Pt. 1](#)