



Infectious Disease (Notification) Act 1889

1889 CHAPTER 72 52 and 53 Vict

An Act to provide for the Notification of Infectious Disease to Local Authorities. [30th August 1889]

Modifications etc. (not altering text)

- C1 Act repealed by (E.W.) [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. V](#) and (N.I.) [Public Health Act \(Northern Ireland\) 1967 \(c. 36\)](#), [Sch. 3](#)
- C2 Extended by [Public Health \(Scotland\) Act 1897 \(c. 38\)](#), [s.44](#); amended by [Health Services and Public Health Act 1968 \(c. 46\)](#), [s. 73](#)

1 Short title.

This Act may be cited as the Infectious Disease (Notification) Act 1889.

2^{F1}

Textual Amendments

- F1 [Ss. 2, 4\(2\)\(3\), 5, 8\(1\)](#) repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#)

3 Notification of infectious disease.

(1) Where an inmate of any building used for human habitation within a district to which this Act extends is suffering from an infectious disease to which this Act applies, then, unless such building is a hospital in which persons suffering from an infectious disease are received, the following provisions shall have effect, that is to say:—

- (a) the head of the family to which such inmate (in this Act referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the building or being 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

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Changes to legislation: There are currently no known outstanding effects for the Infectious Disease (Notification) Act 1889 (repealed). (See end of Document for details)

becomes aware that the patient is suffering from an infectious disease to which this Act applies, send notice thereof to the [F2chief administrative medical officer of the Health Board] of the district:

- (b) every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this Act applies, send to the [F2chief administrative medical officer of the Health Board] for the district a certificate stating the name of the patient, the situation of the building, and the infectious disease from which, in the opinion of such medical practitioner, the patient is suffering.

- (2) Every person required by this section to give a notice or certificate who fails to give the same, shall be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding [F3level 1 on the standard scale].
Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

Textual Amendments

F2 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 37](#)

F3 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

4 As to forms and case of several medical practitioners.

- (1) [F4The Secretary of State] may from time to time prescribe forms for the purpose of certificates under this Act, and any forms so prescribed shall be used in all cases to which they apply.

- (2) F5

Textual Amendments

F4 Words substituted by virtue of [Local Government \(Scotland\) Act 1894 \(c. 58\), s. 7, Scottish Board of Health Act 1919 \(c. 20\), s. 4\(1\)\(a\), Sch. 1 para. 1, Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 1\(1\)\(4\)\(a\) and Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\), s. 1\(1\)\(6\)\(b\)](#)

F5 [Ss. 2, 4\(2\)\(3\), 5, 8\(1\)](#) repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 7 Pt. II](#)

5 F6

Textual Amendments

F6 [Ss. 2, 4\(2\)\(3\), 5, 8\(1\)](#) repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 7 Pt. II](#)

6 Definition of infectious disease.

In this Act the expression “infectious disease to which this Act applies” means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known

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by any of the following names, typhus, typhoid, enteric, relapsing, continued, or puerperal, and includes as respects any particular district any infectious disease to which this Act has been applied by the [^{F7}Secretary of State] in manner provided by this Act.

Textual Amendments

F7 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 38](#)

[^{F8}7 †Extension of definition of infectious disease.

- (1) The Secretary of State may direct, in respect of the area of any Health Board or of Scotland as a whole, in either case as may be specified in the direction, that this Act shall apply to any infectious disease so specified, other than a disease specifically mentioned in this Act, and any such direction may be permanent or for a specified period.
- (2) Before making any such direction, the Secretary of State shall consult, in the case of a direction which is to apply to a particular area, the Health Board concerned, and, in the case of a direction which is to apply to Scotland as a whole, the Scottish Health Service Planning Council.
- (3) The Secretary of State shall give public notice of any such direction in such manner as he thinks sufficient for giving information to all persons interested, and shall notify the terms of the direction to all registered medical practitioners practising or residing in the area affected by the direction.
- (4) A direction shall come into operation on such date as the Secretary of State may fix, being a date not earlier than one week from the first public notice given under subsection (3) above, or, in a case where the Secretary of State certifies that an emergency exists, a date not earlier than three days from the first public notice as aforesaid.
- (5) Any direction under this section may be revoked or varied by a subsequent direction made in the like manner.]

Textual Amendments

F8 [S. 7](#) substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), s. 53](#)

Modifications etc. (not altering text)

C3 Unreliable marginal note

8 Notices and certificates.

- (1)^{F9}
- (2) A notice or certificate to be sent to [^{F10}the chief administrative medical officer of a Health Board] in pursuance of this Act may be sent by being delivered to the officer or being left at [^{F10}the office of The Health Board], or may be sent by post addressed to him at [^{F10}that office]

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Textual Amendments

- F9** Ss. 2, 4(2)(3), 5, 8(1) repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 7 Pt. II**
- F10** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 39**

9 **F11**

Textual Amendments

- F11** S. 9 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**

10 **F12**

Textual Amendments

- F12** s. 10 repealed by [Public Health \(London\) Act 1891 \(c. 76\)](#), **Sch. 4**

11 **F13**

Textual Amendments

- F13** S. 11 repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 7 Pt. II**

12 **F14**

Textual Amendments

- F14** S. 12 repealed by [Public Health \(London\) Act 1891 \(c. 76\)](#), **Sch. 4**

13 Application of Act to vessels, tents, &c.

- (1) The provisions of this Act shall apply to every ship, vessel, boat, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a building.
- (2) A ship, vessel, or boat, lying in any river, harbour, or other water not within the [^{F15}area of any Health Board shall be deemed for the purposes of this Act to be within the area of the Board nearest which it is lying]
- (3) This section shall not apply to any ship, vessel, or boat belonging to any foreign Government.

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Textual Amendments

F15 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 40](#)

14 **F16**

Textual Amendments

F16 [S. 14](#) repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#)

15 Exemption of Crown buildings.

Nothing in this Act shall extend to any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof.

16 Definitions.

In this Act—
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The expression “occupier” includes a person having the charge, management, or control of a building, or of the part of a building in which the patient is, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either as his own account or as the agent of another person, and in the case of a ship, vessel, or boat, the master or other person in charge thereof.

Textual Amendments

F17 Definitions repealed by [Public Health \(London\) Act 1891 \(c. 76\)](#), [Sch. 4](#), [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. V](#) and [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#)

17 Application of Act to Scotland.

In the application of this Act to Scotland—
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The expression “Local Government Board” shall mean Board of Supervision :
The expression “Summary Jurisdiction Acts” shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act amending the same:
The expression “local authority” shall mean the local authority as defined by the Public Health (Scotland) Act, 1867, and any Acts amending the same:
The expression “England” in section five shall mean Scotland :
The powers contained in this Act shall be in addition to and not in lieu of any powers existing in any local authority by virtue of any general or local Act.

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Textual Amendments

F18 Words repealed by Statute Law Revision Act 1908 (c. 49) and National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II**

18 **F19**

Textual Amendments

F19 S. 18 repealed by virtue of Public Health Act (Northern Ireland) 1967 (c. 36), **Sch. 3**

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