



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART I

AUTHORITIES FOR EXECUTION OF ACT.

Central Authority.

5 Local Government Board to be central authority.

The Local Government Board for Scotland (in this Act referred to as the Board) shall be the central authority for the execution of this Act. In addition to the powers conferred on or transferred to it by the Local Government (Scotland) Act, 1894, the Board shall have the powers herein-after mentioned.

6 Powers of Board to inquire into sanitary conditions of district.

It shall be lawful for the Board, upon written application by a parish council, or ten ratepayers, or upon the report of any of the inspecting officers of the Board, to inquire into the sanitary condition of any district or part of a district, and for this purpose the Board are hereby empowered to make inquiries, and require answers or returns to be made to the Board upon any question or matter connected with or relating to the purposes of this Act, and also by a summons, signed by one of their number or by the secretary, to require the attendance of all such persons as they may think fit to call before them upon any such question or matter, and to administer oaths to and examine upon oath all such persons, and to require and enforce the production upon oath of all books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter.

7 Power to Board to authorise special inquiries.

It shall be lawful for the Board, whenever it may seem fitting to them, to authorise and empower for a limited time one of the members thereof to conduct any special inquiry in any part of Scotland, and to report thereon to the Board; and such member so

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authorised and empowered shall be entitled to summon and examine on oath witnesses and havers, and to exercise all such other of the powers by this Act given to the Board as may be necessary for conducting such inquiry, and such member shall be reimbursed by the Board of all expenses necessarily incurred by him in conducting such inquiry, and such expenses shall be deemed part of the expenses attending the execution of this Act, and be defrayed in the same manner as the general expenses of the Board are now defrayed.

8 Power to Board to appoint commissioners for conducting special inquiries.

It shall be lawful for the Board, whenever it may seem fitting to them, to appoint some person or persons, not being a member or members of the Board, to act as a commissioner or commissioners for the purpose of conducting any special inquiry for a limited period, and to report thereon ; and the Board shall delegate to every person so appointed for the purpose of conducting such inquiry such of the powers of the Board as they may deem necessary or expedient for summoning or examining on oath witnesses and havers, and otherwise conducting such inquiry ; and it shall not be necessary to notify the appointment of any such commissioner otherwise than by intimating the same by letter under the hand of the secretary or of any member of the Board to the sheriff of the county within which the inquiry in question is to be made; and every such commissioner shall be reimbursed by the Board for all expenses necessarily incurred by him in conducting such inquiry, and shall also receive such reasonable remuneration for his time and trouble as may have been agreed upon between him and the said Board, and approved of by the Treasury.

9 Power to Board to allow expenses of witnesses. &c.

It shall be lawful for the Board, in any case where they see fit, to order and allow such expenses of witnesses, and such expenses of or concerning the production of any books, contracts, agreements accounts, or writings, or copies thereof, to or before the said Board, or member thereof, or commissioner or commissioners, as such Board may deem reasonable; and such expenses so ordered and allowed shall be deemed part of the expenses attending the execution of this Act, and be defrayed in the same manner as the general expenses of the Board are now defrayed.

10 Penalties on persons giving false evidence or refusing to obey summons of Board.

If any person, upon any examination on oath under the authority of this Act, shall wilfully give false evidence, he shall be deemed guilty of perjury, and shall be liable to the pains and penalties thereof; and in case any person shall wilfully refuse to attend in obedience to any summons of the Board, or member or commissioner authorised or appointed by the Board as aforesaid, or to give evidence, or shall wilfully refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be required to be produced before the Board, or member thereof, or commissioner or commissioners, or shall wilfully neglect or disobey any of the orders of the Board or member or commissioner, or be guilty of any contempt of the Board or member or commissioner, such person being thereof lawfully convicted, shall forfeit and pay for the first offence any sum not exceeding five pounds, and for the second and every subsequent offence any sum not exceeding twenty pounds nor less than five pounds.

11 Power to Board to appoint clerks, &c.

The Board are hereby empowered from time to time to appoint all such officers and clerks as they shall deem necessary, and from time to time, at the discretion of the Board, to remove such officers and clerks, or any of them, and to appoint others in their stead ; provided that the amount of the salaries of such officers and clerks shall from time to time be regulated by the Treasury.

Local Authorities.

12 Local authorities to execute Act.

The following shall respectively be the local authority to execute this Act within the districts hereunder stated:

- (1) In burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, the town council or burgh commissioners :
- (2) In other burghs, the town council or board of police, as the case may be:
- (3) In districts where the county is divided into districts under the Local Government (Scotland) Act, 1889, and, subject to the provisions of section seventeen of that Act, as amended by this Act, the district committee :
- (4) In counties where the county is not so divided, the county council, subject to the provisions of section seventy-eight, subsection three, of the Local Government (Scotland) Act, 1889, as amended by section nineteen, sub-section seven, of the Local Government (Scotland) Act, 1894.

Provided always that wherever, except in regard to a burgh, the expression " local authority" is in this Act used with reference to rating, borrowing, or acquiring or holding land, it shall mean the county council, but this proviso shall not be construed to extend or diminish the exemption from stamp duties contained in section one hundred and sixty-eight of this Act.

13 Where district in more than one county.

Where any parish or burgh shall be situated in more than one county, the Board shall, on application being made to them by any person having interest, determine in which one of such counties such parish or burgh shall be held to be situated for the purposes of this Act, whose decision shall be final; and the jurisdiction and powers of magistrates, justices, and sheriffs, and the powers of their officers under this Act, shall be regulated accordingly, and the Board may from time to time recall or vary such determination.

14 Local authorities to be bodies corporate. Committees may be appointed.

The local authorities shall respectively be bodies corporate designated by such names as they may usually bear or adopt, with power to sue and be sued in such names, and to hold lands for the purposes of this Act; and the local authority, subject, in the case where the local authority is a district committee, to the provisions of sub-section two of section seventeen of the Local Government (Scotland) Act, 1889, may appoint any committee' or committees of their own body to receive and issue notices, to take proceedings, and in all or certain specified respects to execute this Act, whereof two shall be a quorum, unless a larger quorum be specified in their appointment; and such

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local authority or their committee, thereto duly authorised, may by a writing under the hand of the clerk empower any officer or person to serve notices, make complaints, and take) proceedings on their behalf; and all acts done or proceedings taken by or against such committee or officer or person shall be as valid as if they were done by or taken in, the name of all the members of the local authority; and the local authority shall have power to commence or carry, on all proceedings commenced, or which might have been commenced, before the commencement of this Act, by the local authority under any of the Acts hereby repealed, and shall be vested with all property or pecuniary claims vested in and be liable to perform all pecuniary and other obligations undertaken or incurred by or devolving on such last-mentioned local authority.

15 Local authority to appoint medical and other officers.

The local authority shall appoint a medical officer or medical officers, who shall be called medical officer or medical officers of health, and a sanitary inspector or inspectors, the latter of whom shall be also inspector or inspectors of common lodging-houses, and the local authority shall, subject to the approval of the Board, regulate the duties of such medical officers and sanitary inspectors and their relations to each other, whether appointed before or subsequent to the commencement of this Act, and this, notwithstanding anything contained in sections seventy-five, seventy-six, and seventy-seven of the Burgh Police (Scotland) Act, 1892; and the local authority may, and if required by the Board shall, appoint convenient places for their offices, and shall allow to every such medical officer and sanitary inspector and every other officer or clerk appointed by them on account of his employment a proper salary or remuneration; and the names and addresses and salaries of the said medical officers and sanitary inspectors shall be reported by the local authority to the Board immediately on such persons being appointed and such salaries fixed; and the said medical officers and sanitary inspectors, and the local authority and their clerk, and the registrars of births, deaths, and marriages shall be bound to make such returns and special reports to the Board in such form and at such times as the Board shall require. The medical officer may, when authorised by the local authority, exercise any of the powers with which the sanitary inspector is invested by this Act.

No person shall be appointed as the medical officer of any burgh, or of any district, other than a burgh, unless he possesses the qualifications set forth in section fifty-four of the Local Government (Scotland) Act, 1889.

No medical officer or sanitary inspector appointed by the local authority under this or any of the repealed Acts shall be removable from office, except by or with the sanction of the Board.

The registrar of births, deaths, and marriages in each registration district shall furnish to the local authority such periodical returns of births and deaths as may be required of him and approved by the Board, and for each death included in such return and for each return of births he shall be paid by the local authority the sum of twopence, and, the local authority shall provide the forms on which such returns are to be made, and shall pay for their transmission by letter post.

The medical officer and sanitary inspector shall, if required by the local authority, respectively name a duly qualified substitute for whom they shall be responsible, and if the local authority shall approve of the nomination, such substitute shall have the same powers and duties as the medical officer or sanitary inspector, as the case may be, during the temporary illness or authorised absence of either of them, and the local authority may from time to time with consent of the Board withdraw their approval of

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such substitute, and may require the medical officer or sanitary inspector, as the case may be to name for their-approval some other duly qualified substitute.

Nothing contained in this Act shall, save in so far as expressly otherwise provided, prejudice or affect the existing officers and servants of the local authorities under any Act in force at the passing of this Act, and such officers and servants shall without any further appointment be the officers and servants of the local authorities under this Act, with, save as aforesaid, the same tenure of office (if any), and emoluments as heretofore.