



Public Health (Scotland) Act 1897 (repealed)

1897 CHAPTER 38 60 and 61 Vict

PART III

GENERAL PREVENTION AND MITIGATION OF DISEASE

Infectious Diseases.—Notification

44 Notification of infectious disease.

From and after the commencement of this Act the provisions of the ^{M1}Infectious Disease (Notification) Act 1889, shall extend to and take effect in every district in Scotland, whether it has or has not been adopted before the said commencement.

Marginal Citations

M1 1889 c. 72.

Infectious Diseases—Prevention

45 ^{F1}

Textual Amendments

F1 S. 45 repealed by Health Services and Public Health Act 1968 (c. 46), Sch. 4

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

46 Provision of means for disinfecting bedding, &c.

- (1) Every local authority may, and when required by the Board shall, provide, either within or without their district, proper premises with all necessary apparatus and attendance for the destruction and for the disinfection, and carriages or vessels for the removal, of articles (whether bedding, clothing, or other) which have become infected by any infectious disease, and shall cause any such articles brought for destruction or disinfection to be destroyed, or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.
- (2) Any local authorities may execute their duty under this section by combining for the purposes thereof, or by contracting for the use by one of the contracting authorities of any premises, or of any apparatus or appliances, provided for the purpose of this section by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Modifications etc. (not altering text)

C1 S. 46 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

47 Cleansing and disinfecting of premises, &c.

- (1) Where it appears to the local authority, upon the certificate of the [^{F2}designated medical officer], that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, or the destruction of such articles would tend to prevent or check any infectious disease, the local authority may serve notice on the occupier, or where the house or part thereof is unoccupied on the owner, of such house or part thereof that the same and any such articles therein will be cleansed and disinfected, or (as regards the articles) destroyed, by the local authority, unless the person so notified informs the local authority, within a time to be specified in the notice from the receipt of the said notice, that he will cleanse and disinfect the house or part thereof and any such articles, or destroy such articles, to the satisfaction of the [^{F2}designated medical officer], as testified by certificate by him, within a time fixed in the notice.
- (2) If either—
 - (a) within the time specified as aforesaid from the receipt of the notice, the person on whom the notice is served does not inform the local authority as aforesaid; or
 - (b) having so informed the local authority, he fails to have the house or part thereof and any such articles disinfected, or such articles destroyed, as aforesaid within the time fixed in the notice; or
 - (c) the occupier or owner, as the case may be, without such notice gives his consent;
 the house, or part thereof, and articles, shall be cleansed and disinfected, or such articles destroyed by the officers, of, and at the cost of, the local authority.
- (3) For the purpose of carrying into effect this section the local authority may enter by day on any premises.
- (4) If the local authority deem it necessary to remove from any house or part thereof, or from any tenement of houses, all or any of the residents not being themselves sick, on account of the existence or recent existence therein of infectious disease, or for the

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

purpose of disinfecting such house or part thereof, of such tenement or part thereof, they may make application to a sheriff, . . . ^{F3}, or justice, and the sheriff, . . . ^{F3}, or justice, if satisfied of the necessity of such removal, may grant a warrant authorising the local authority to remove such residents, and imposing such conditions as to time and otherwise as to him may seem fit. Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian. The local authority shall, and they are hereby empowered, to provide temporary shelter or house accommodation, and, if necessary, maintenance with any necessary attendants, free of charge, for such persons while prevented from returning to such house or part thereof or such tenement or part thereof.

- (5) When the local authority have disinfected any house, part of a house, or any article, under the provisions of this section, they shall compensate the occupier or owner of such house, or part of a house, or the owner of such article, for any unnecessary damage thereby caused to such house, part of a house, or article; and when the authority destroy any article under this section they shall reasonably compensate the owner thereof; and the amount of any such compensation shall be recoverable in a summary manner.

For the purpose of this section the word “house” includes any tent or van or any ship lying in any sea, river, harbour, or other water or ex adverso of any place within the limits of the local authority.

Textual Amendments

- F2** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 46](#)
F3 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27](#)

Modifications etc. (not altering text)

- C2** [S. 47](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 45](#)

48 Disinfection of bedding. &c.

- (1) Any local authority may serve a notice on the owner of any bedding, clothing, or other articles which have been exposed to the infection of any infectious disease, requiring the delivery thereof to an officer of the local authority for removal for the purpose of destruction or disinfection; and if any person fails to comply with such notice he shall be liable to a penalty not exceeding [^{F4}level 1 on the standard scale].
- (2) The bedding, clothing, and articles if so disinfected by the local authority, shall be brought back and delivered to the owner free of charge, and if any of them suffer any unnecessary damage, the authority shall compensate the owner for the same, and the authority shall also reasonably compensate the owner for any articles destroyed; and the amount of compensation shall be recoverable in a summary manner.

Textual Amendments

- F4** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

Modifications etc. (not altering text)

- C3** [S. 48](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\) Sch. 6 para. 45](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

49 **Persons engaged in washing or mangling clothes to furnish list of owners of clothes in certain cases.**

Whenever it shall be certified to the local authority by the [^{F5}designated medical officer] that it is desirable, with a view to prevent the spread of infectious disease, that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes, the local authority may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles, or has washed or mangled, during the past six weeks, and such person or company shall furnish such list accordingly, and the local authority shall pay to him, her, or them, for every such list, the sum of [^{F6}2½p], and at the rate of of [^{F6}2½p] for every twenty-five names contained therein, but no such payment shall exceed [^{F6}15p], and every person who shall wilfully or knowingly offend against this enactment shall, for each such offence, be liable to a penalty not exceeding [^{F7}level 1 on the standard scale], and to a daily penalty not exceeding [^{F6}£1].

Textual Amendments

- F5** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 47](#)
F6 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
F7 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

Modifications etc. (not altering text)

- C4** [S. 49](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 45](#)

50 **Infectious matter thrown into ash-pits, &c. to be disinfected.**

(1) If a person knowingly casts, or causes or permits to be cast, into any ash-pit, or otherwise exposes any matter or article infected by infectious disease, he shall be liable to a penalty not exceeding [^{F8}level 1 on the standard scale], and, if the offence continues, to a further penalty not exceeding [^{F9}£2], for every day during which the offence so continues after the notice hereafter in this section mentioned.

(2) The local authority shall cause their officers to serve notice of the provisions of this section on the occupier of any house, or part of a house, in which they are aware that there is a person suffering from an infectious disease.

Textual Amendments

- F8** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)
F9 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

Modifications etc. (not altering text)

- C5** [S. 50](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 45](#)

51 **Penalty on letting houses in which infected persons have been lodging.**

(1) Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any infectious disease, without having such house or part of a house, and all articles therein liable to retain infection, disinfected to the

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

satisfaction of the [F10designated medical officer] as testified by a certificate signed by him, or (as regards the articles) destroyed, shall be liable to a penalty not exceeding [F11]level 2 on the standard scale].

- (2) For the purposes of this section, the keeper of an inn or hotel shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or hotel.

Textual Amendments

F10 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 48](#)

F11 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

Modifications etc. (not altering text)

C6 S. 51 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 45](#)

52 Penalty on persons letting houses making false statements as to infectious disease.

Any person letting for hire, or showing for the purpose of letting for hire, any house or part thereof, who, on being questioned by any person negotiating for the hire as to the fact of there being, or within six weeks previously having been, therein any person suffering from any infectious disease, knowingly makes a false answer to such question, shall be liable, at the discretion of the sheriff, . . . F12 or justice, to a penalty not exceeding [F13]level 2 on the standard scale] or, where the proceedings are before a sheriff, to imprisonment . . . F14, for a period not exceeding one month.

Textual Amendments

F12 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27](#)

F13 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

F14 Words omitted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(2\)](#)

53 Penalty on ceasing to occupy house without disinfection or notice to owner, or on making false answer.

- (1) Where a person cease to occupy any house, or part of a house, in which any person has within six weeks previously been suffering from any infectious disease, and either—
- (a) fails to have such house, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of the [F15designated medical officer], as testified by a certificate signed by him, or such articles destroyed; or
 - (b) fails to give to the owner or occupier of such house, or part of a house, notice of the previous existence of such disease; or
 - (c) on being questioned by the owner or occupier of, or by any person negotiating for the hire of, such house or part of a house, as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease, knowingly makes a false answer to such question,
- he shall be liable to a penalty not exceeding [F16]level 2 on the standard scale].

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

- (2) The local authorities shall cause their officers to serve notice of the provisions of this section on the occupier of any house, or part of a house, in which they are aware that there is a person suffering from an infectious disease.

Textual Amendments

- F15** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 49](#)
F16 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

Modifications etc. (not altering text)

- C7** [S. 53](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 45.](#)

54 Removal to hospital of infected persons without proper lodging.

- (1) A person suffering from any infectious disease, who is without proper lodging or accommodation, or is so lodged that proper precautions cannot be taken for preventing the spread of the disease, or is lodged in a tent or van, or in a room occupied by others besides those necessarily in attendance on such person, or is on board a ship, may, on a certificate signed by the [^{F17}designated medical officer] be removed by order of a sheriff, . . . ^{F18} or justice, on the application . . . ^{F19} of the local authority of the district where such person is found, [^{F20}to any hospital vested in the Secretary of State][^{F21}or to any hospital managed by a National Health Service trust established under section 12A of the National Health Service (Scotland) Act 1978] or the sheriff, . . . ^{F18} or justice may direct the removal from the room or house occupied by such person of all others not in attendance on him, the local authority providing suitable accommodation for such person or persons; and such person may be detained in such hospital so long as he continues in an infected condition. Provided always that no such order shall be necessary where the removal is carried out with the consent of the patient or his parent or guardian.
- (2) The order may be addressed to any constable or officer of the local authority as the sheriff, . . . ^{F18} or justice making the same, thinks expedient; and if any person wilfully disobeys or obstructs the execution of such order, he shall be liable to a penalty not exceeding [^{F22}level 1 on the standard scale].
- [^{F23}(3) A sheriff, . . . ^{F18} or justice may order that a person removed to a hospital under this section be transferred to any other hospital vested in the Secretary of State [^{F21}or to any hospital managed by a National Health Service trust established under section 12A of the National Health Service (Scotland) Act 1978], and any person so transferred may be detained in that other hospital so long as he continues in an infected condition. The provisions of subsection (2) of this section shall apply to any such order in like manner as they apply to an order under subsection (1) of this section.]

Textual Amendments

- F17** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 50](#)
F18 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27](#)
F19 Words repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\), Sch. 11 Pt. I](#)
F20 Words substituted by [National Health Service \(Scotland\) Act 1947 \(c. 27\), Sch. 11 Pt. I](#)
F21 Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 66\(1\), Sch. 9 para. 1\(1\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

- F22** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
F23 [S. 54\(3\)](#) added by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), **Sch. 11 Pt. I**

Modifications etc. (not altering text)

- C8** [S. 54](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 45**

55 Detention of infected persons without proper lodging in hospital.

- (1) A sheriff, . . . ^{F24}, or justice, on being satisfied on the application of the local authority that a person suffering from any infectious disease is in a hospital [^{F25}vested in the Secretary of State or managed by a National Health Service trust established under section 12A of the National Health Service (Scotland) Act 1978], and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person, may direct such person to be detained in the hospital . . . ^{F26}, during the time limited by the sheriff, . . . ^{F24}, or justice, who may enlarge the time as often as appears to him necessary for preventing the spread of the disease.
- (2) The direction may be carried into execution by any officer of any local authority, or by any police constable, or any officer of the hospital.
- [^{F27}(3) A person detained in a hospital under this section may if a sheriff, . . . ^{F24}, or justice so directs be removed to any other hospital vested in the Secretary of State [^{F28}or managed by a National Health Service trust established under section 12A of the National Health Service (Scotland) Act 1978], and may be detained therein during the time limited or enlarged under subsection (1) of this section. The provisions of subsection (2) of this section shall apply to any such direction in like manner as they apply to a direction under subsection (1) of this section.]

Textual Amendments

- F24** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27**
F25 Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9, para. 1(2)**
F26 Words repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), **Sch. 11 Pt. II**
F27 [S. 55\(3\)](#) added by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), **Sch. 11 Pt. I**
F28 Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9, para. 1(3)**

Modifications etc. (not altering text)

- C9** [S. 55](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 45**

56 Penalty on exposure of infected persons and things.

- (1) If any person—
- (a) while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any [^{F29}road], public place, shop, inn, hotel, church, or any place used in common by persons other than members of the family or household to which such infected person belongs; or
 - (b) being in charge of any person so suffering, so exposes such sufferer; or

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

- (c) knowingly gives, lends, sells, pawns, transmits, removes, or exposes, or permits to be washed or exposed in any wash-house or washing green which is used in common by persons other than the family or household to which the infected person belongs, without previous disinfection, to the satisfaction of the [^{F30}designated medical officer] or of some legally qualified medical practitioner as certified by him in writing, any bedding, clothing, or other articles which have been exposed to infection from any such disease; or
- (d) wakes or permits to be waked in any house, room, or place over which he has control the body of any person who has died of any infectious disease;
- he shall be liable to a penalty not exceeding [^{F31}level 1 on the standard scale].
- (2) Provided that proceedings under this section shall not be taken against persons transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected.

Textual Amendments

- F29** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 17\(4\)](#)
- F30** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 51](#)
- F31** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

Modifications etc. (not altering text)

- C10** [S. 56](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

57 Penalty on sending child to school, so as to spread infection.

Every parent or person having care or charge of a child who is or has been suffering from infectious disease, or who resides in a house where such disease exists or has existed within a period of three months, who shall knowingly or negligently permit such child to attend school without procuring and producing to the teacher or other person in charge of such school a certificate from the [^{F32}designated medical officer], which he shall grant free of charge, or from some legally qualified medical practitioner [^{F33}that proper precautions against spreading disease or infection have been taken, and that such child may attend school without the risk of infecting others], shall be liable to a penalty not exceeding [^{F34}level 1 on the standard scale].

Provided that if a person is not required to send notice in the first instance but only in default of some other person, he shall not be liable to any penalty, if he satisfies the court that he had reasonable cause to suppose that the notice had been duly sent.

Any teacher or person in charge of any school, who shall knowingly permit any child to attend such school in contravention of the provisions of this section, shall be liable to a penalty not exceeding [^{F34}level 1 on the standard scale].

Textual Amendments

- F32** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 52](#)
- F33** Words substituted by [Public Health \(Scotland\) Amendment Act 1907 \(c. 30\)](#), [s. 1\(1\)](#)
- F34** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

Modifications etc. (not altering text)

C11 S. 57 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

58 Prohibitions on infected person carrying on business

No person suffering from an infectious disease, or who is living in an infected house, [^{F35}shall (a) without proper precautions against spreading such disease or infection, milk any animal, or pick fruit, or engage in any occupation connected with food, or shall (b)] carry on any trade or business in such a manner as to be likely to spread such disease [^{F35}or infection, and any person who knowingly] contravenes this section shall be liable to a penalty not exceeding [^{F36}level 1 on the standard scale].

Textual Amendments

F35 Words substituted by [Public Health \(Scotland\) Amendment Act 1907 \(c. 30\)](#), [s. 1\(2\)](#)

F36 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

59 Prohibition on conveyance, &c. of infected person in public conveyance.

It shall not be lawful for any owner or person in charge of a public conveyance or ship knowingly to convey therein, or for any other person knowingly to place therein, a person suffering from any infectious disease, or for a person suffering from any such disease to enter any public conveyance or ship, [^{F37}unless in every such case as aforesaid proper precautions have been taken against spreading such disease or infection; and any person contravening any of the foregoing provisions shall be liable to a penalty not exceeding [^{F38}level 1 on the standard scale]; and if without such precautions] any person so suffering is conveyed in any public conveyance or ship, the owner or person in charge thereof, as soon as it comes to his knowledge, shall give notice to the local authority, and shall cause such conveyance or ship to be disinfected, and if he fails so to do he shall be liable to a fine not exceeding [^{F38}level 1 on the standard scale], and such owner or person in charge shall be entitled to recover in a summary manner from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expense incurred by him in connexion with such disinfection. It shall be the duty of the local authority, when so requested by such owner or person in charge, to provide for the disinfection of the same, and they may do so free of charge. But nothing contained in this section shall prevent the removal by railway train or by ship of persons suffering from infectious disease, if they are conveyed within an ambulance-waggon, or other proper vehicle provided or approved [^{F39}by the Secretary of State or] by the local authority.

Textual Amendments

F37 Words substituted by [Public Health \(Scotland\) Amendment Act 1907 \(c. 30\)](#), [s. 1\(3\)](#)

F38 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

F39 Words inserted by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), [Sch. 11 Pt. I](#)

Modifications etc. (not altering text)

C12 S. 59 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

60, 61. ^{F40}

Textual Amendments

F40 Ss. 60, 61 repealed by [Milk and Dairies \(Scotland\) Act 1914 \(c. 46\)](#), s. 31, [Sch.](#)

62 Prohibition of retention of dead body in certain cases.

- (1) A person shall not without the sanction in writing of the [^{F41}designated medical officer], or of a legally qualified medical practitioner, retain unburied for more than forty-eight hours elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom, the body of any person who has died of any infectious disease.
- (2) If a person acts in contravention of this section he shall be liable to a penalty not exceeding [^{F42}level 1 on the standard scale].

Textual Amendments

F41 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 53](#)

F42 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. [289G](#)

Modifications etc. (not altering text)

C13 S. 62 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

63 Body of person dying of infectious disease in hospital, &c. to be removed only for burial.

- (1) If a person dies in a hospital or place of temporary accommodation for the sick from any infectious disease, and the [^{F43}designated medical officer] or any legally qualified medical practitioner, certifies that in his opinion it is desirable, in order to prevent the risk of communicating such disease or of spreading infection, that the body be not removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of such hospital or place shall be forthwith taken direct to the place of burial and there buried.
- (2) If any person wilfully offends against this section he shall be liable to a penalty not exceeding [^{F44}level 1 on the standard scale].
- (3) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital.

Textual Amendments

F43 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 54](#)

F44 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. [289G](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

Modifications etc. (not altering text)

C14 S. 63 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

64 Disinfection of public conveyances if used for carrying corpses.

If—

- (a) a person hires or uses a public conveyance, or a conveyance that is let for hire, other than a hearse, for conveying the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of the conveyance that such person died from such disease; or
- (b) the owner or driver, immediately on its coming to his knowledge that such conveyance is being or has been used for conveying such body, does not take all reasonable precautions to prevent the spread of infection, or does not forthwith give intimation to the local authority and provide for the disinfection of the conveyance to the satisfaction of the local authority,

such person or such owner or driver shall be liable to a penalty not exceeding [^{F45}level 1 on the standard scale], and, if the offence continues, to a further penalty not exceeding [^{F46}£2] for every day during which the offence continues.

Textual Amendments

F45 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

F46 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), [s. 10\(1\)](#)

Modifications etc. (not altering text)

C15 S. 64 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

65 Byelaws as to public conveyances.

The local authority may make byelaws for securing the cleanliness and sanitary condition of public conveyances plying within its district, [^{F47}and for preventing overcrowding in such conveyances]

Textual Amendments

F47 Words repealed, so far as they relate to trams or trolley vehicles, by [Transport Charge &c. \(Miscellaneous Provisions\) Act 1954 \(c. 64\)](#), [Sch. 2 Pt. IV](#)

Modifications etc. (not altering text)

C16 S. 65 repealed, so far as it relates to public service vehicles, by [Road Traffic Act 1930 \(c. 43\)](#), [Sch. 5](#)

Hospitals and Ambulances

66 Power of local authority to provide hospitals.

- (1) Any local authority may, and if required by the Board shall, provide, furnish, and maintain for the use of inhabitants of their district suffering from infectious disease, hospitals, temporary or permanent, and houses of reception for convalescents from

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

infectious diseases, or for persons who have been exposed to infection, and for that purpose may—

- (a) themselves build such hospitals or houses; or
 - (b) contract for the use of any such hospital or house or part thereof; or
 - (c) enter into any agreement with any person having the management of any such hospital or house or part thereof on payment of such annual or other sum as may be agreed on;
 - (d) any local authority, with the consent of the Board, may also or in place of providing such hospitals or houses as aforesaid, employ nurses to attend the persons suffering from infectious disease in their own houses, and also supply medicines and medical attendance for such sick.
- (2) Two or more local authorities may, and if required by the Board shall, combine in providing, furnishing and maintaining a common hospital or house of reception, or in employing nurses on terms to be agreed on, and failing agreement to be fixed by the Board, whose determination shall be binding.
- (3) No contract for the use of any such hospital or house or part thereof shall be entered into without the consent of the Board, and no such hospital or house of reception shall be provided, unless and until the site and plans for the construction thereof have been approved by the Board. Provided always that such site shall be in or within a convenient distance of the district of the local authority, or, in the case of a combination in terms of this section, in or within a convenient distance of the combined district.
- (4) A local authority may with the sanction and subject to regulations made by the Board provide and maintain one or more portable hospitals for the use of their district.

Modifications etc. (not altering text)

- C17** S. 66 repealed, except so far as relating to houses of reception for persons who have been exposed to infection, by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), **Sch. 11 Pt. II**
- C18** S. 66 amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 45**

67 **F48**

Textual Amendments

- F48** Ss. 67, 77 repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), **Sch. 11 Pt. II**

Mortuaries, &c.

68 Power of local authority to provide mortuaries.

Every local authority may provide and fit up a proper place or places for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for the use of the same.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

69 Power of sheriff, &c. in certain cases to order removal of dead body to mortuary.

(1) Where either—

- (a) the body of a person who has died of any infectious disease is retained in a room in which persons live or sleep; or
- (b) the body of a person who has died of any infectious disease is retained without the sanction in writing of the [^{F49}designated medical officer] or any legally qualified medical practitioner for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom; or
- (c) any dead body is retained in any house or room or ship under circumstances which, if continued, may endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building; . . . ^{F50}
- (d) . . . ^{F50}

a sheriff . . . ^{F51} or justice may, on a certificate signed by a [^{F49}designated medical officer] or other legally qualified medical practitioner, direct that the body be removed, at the cost of the local authority, to any available mortuary, and be buried within the time limited by the sheriff, . . . ^{F51} or justice; and may if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

- (2) Unless the friends or relations of the deceased undertake to bury, and do bury, the body within the time so limited, it shall be the duty of the local authority to bury such body, and any expense so incurred may be recovered by them in a summary manner from any person legally liable to pay the expenses of such burial.
- (3) It shall not be lawful to transport the body of any person who has died of any infectious disease by railway or other public conveyance, not being a conveyance reserved for such purpose, unless and until the [^{F49}designated medical officer] or other legally qualified medical practitioner, has certified that every precaution necessary for the public safety has been adopted to his satisfaction, and any undertaker or other person who shall without such certificate knowingly remove or assist in removing, and any person who shall procure or endeavour to procure the removal of such dead body without having obtained such certificate shall be liable to the penalty herein-after mentioned in this section.
- (4) If any person obstructs the execution of any direction given by a sheriff, . . . ^{F51} or justice, under this section, he shall be liable to a penalty not exceeding [^{F52}level 1 on the standard scale].

Textual Amendments

F49 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 55](#)

F50 Word and s. 69(1)(d) repealed by [National Assistance Act 1948 \(c. 29\), Sch. 7 Pt. III](#)

F51 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27](#)

F52 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

Modifications etc. (not altering text)

C19 [S. 69](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 45](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

70 Power of local authority to provide places for post-mortem examinations.

- (1) Any local authority may provide and maintain a proper building . . . ^{F53} for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a lawful authority, and may make regulations with respect to the management of such building.
- (2) Any such building may be provided in connexion with a mortuary, but this enactment shall not authorise the conducting of any post-mortem examination in a mortuary.

Textual Amendments

F53 Words repealed by [National Assistance Act 1948 \(c. 29\)](#), [Sch. 7 Pt. III](#)

Modifications etc. (not altering text)

C20 [S. 70](#) amended by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 45](#)

71 Power to sanitary authorities to unite for providing mortuary.

Any local authorities may, with the approval of the Board, execute their duty under this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Byelaws as to Houses let in Lodgings

72 Power of local authority to make byelaws as to lodging-houses.

- (1) Every local authority may, and if required by the Board shall, make and enforce for the whole or any part of their district such byelaws as are requisite for the following matters; (that is to say),
 - (a) for fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family:
 - (b) for the registration of houses so let or occupied:
 - (c) for the inspection of such houses:
 - (d) for enforcing sufficient privy or watercloset accommodation and other appliances and means of cleanliness in proportion to the number of lodgers or occupiers, drainage for such houses, and for promoting cleanliness and ventilation in such houses, and for the cleansing and ventilation of the common passages and staircases:
 - (e) for the cleansing and limewashing at stated times of the premises:
 - (f) for the giving of notices and the taking of precautions in case of any infectious disease.
- (2) This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses, but shall apply to farmed-out houses, that is to say, to houses of one or two apartments taken on lease by any person and let or rented to several occupiers for limited periods as furnished apartments, as also to all

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

boarding-houses for seamen and emigrants, irrespective of the charge made for the board and lodging therein.

Modifications etc. (not altering text)

- C21** S. 72 extended by [Housing \(Scotland\) Act 1966 \(c. 49\)](#), s. 169(1)
C22 S. 72 extended by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 313, 335

Tents and Vans

73 Tents and vans used for human habitation.

- (1) A tent, van, shed, or similar structure, used for human habitation, which is in such a state as to be a nuisance or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, shall be a nuisance liable to be dealt with summarily under this Act.
- (2) A local authority may make byelaws for promoting cleanliness in, and the habitable condition of, tents, vans, sheds, and similar structures, used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connexion with the same.
- (3) Where the [^{F54}designated medical officer] or [^{F55}the proper officer of the local authority] has reasonable cause to believe either—
 - (a) that any tent, van, shed, or similar structure, used for human habitation, is in such a state or so overcrowded as aforesaid, or that there is any contravention therein of any byelaw made under this section; or
 - (b) that there is any such tent, van, shed, or structure, any person suffering from an infectious disease, or that any infectious disease has recently existed therein,he may enter at reasonable times in the daytime, such tent, van, shed, or structure, and examine the same and every part thereof, and the [^{F54}designated medical officer] may examine any person found therein, in order to ascertain whether such tent, van, shed, or structure, is in such a state or so overcrowded as aforesaid, or whether there is therein any such contravention, or a person suffering from an infectious disease, and the provisions of this Act with respect to the entry into any premises by an officer of the local authority [^{F56}or the designated medical officer] shall be in force for the purposes of this section.
- (4) Nothing in this section shall apply to any tent, van, shed, or structure, erected or used by any portion of Her Majesty's naval or military forces.

Textual Amendments

- F54** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 56](#)
F55 Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. I para. 2](#)
F56 Words inserted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 56](#)

Modifications etc. (not altering text)

- C23** S. 73 extended by [S.I. 1965/1536](#), [Sch. 3](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

Underground Dwellings

74 Rules as to underground dwellings.

It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling-place, any cellar or any vault or underground room, whether conjoined or not with another apartment not having one of its external sides entirely above the level of the [^{F57}road] or ground adjoining the same, and not having a window or other opening in such side, which cellar, vault, or room in every part shall be less in height from the floor to the ceiling than eight feet in the case of houses built prior to the commencement of this Act, or less in height than nine feet in the case of houses built subsequently to the commencement of this Act, or which shall be less than one-third of its height above the level of the [^{F57}road] or ground adjoining the same, or otherwise shall not have three feet at least of its height from the floor to the ceiling above the said level, with an open area of two feet six inches wide from the level of the floor of such cellar, vault, or room up to the level of the said [^{F57}road] or ground, or which shall not have appurtenant thereto the use of a watercloset or earth-closet or privy and ashpit, or which shall not also have a glazed window made to open to the full extent of the half thereof, the area of which is not less than nine superficial feet clear of the frame, and a fireplace with a chimney or flue, or which cellar, vault or underground room, being an inner or back vault or cellar let or occupied along with a front vault or room as part of the same letting or occupation, has not a ventilating flue (unless such inner or back vault or cellar shall be part of a house built before the commencement of this Act) or which shall not be well and effectually drained by means of a drain, constructed of a gas-tight pipe or otherwise effectually sealed, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, after the local authority have given notice to the owners thereof that the letting or occupation of such cellars, vaults or underground rooms, as dwelling-places is prohibited from that time forth, and it shall be the duty of the local authority to issue such notices from time to time, as soon as is convenient, until such notice has been given with respect to every cellar, vault, or underground room, occupied as a dwelling-house within the district; and it shall not be lawful, after such notice, to let or continue to let, or to occupy or suffer to be occupied, separately as a dwelling-house any such vault, cellar or underground room.

Textual Amendments

F57 Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 17(5)**

75 Penalty on letting underground dwellings.

Every person who lets separately, or who knowingly suffers to be occupied for hire, or permits to be occupied as a dwelling, any vault, cellar, or underground room, contrary to the provisions of this Act, shall be liable to a penalty not exceeding [^{F58}£1] for every day during which such vault, cellar, or room, is so occupied after conviction of the first offence.

Textual Amendments

F58 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III. (See end of Document for details)

76 Cases in which two convictions have occurred within three months.

Where two convictions against the provisions of this Act relating to the overcrowding of any house, or the occupation of any cellar, vault, or underground room, as a separate dwelling-place, shall have taken place within the period of three months, whether the person so convicted was or was not the same, it shall be lawful for the sheriff to direct the closing of such premises for such time as he may deem necessary, and, in the case of cellars occupied as aforesaid, to empower the local authority to permanently close the same in such manner as they may deem fit.

77 **F59**

Textual Amendments

F59 Ss. 67, 77 repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), [Sch. 11 Pt. II](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part III.