



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART III

GENERAL PREVENTION AND MITIGATION OF DISEASE.

Infectious Diseases.—Prevention.

45 Power to inspect premises where infectious disease supposed to exist.

The medical officer may, at reasonable times, in the daytime, enter and inspect any house or premises in the district in which he has reason to believe that any infectious disease exists, or has recently existed, and the medical officer may examine any person found on such premises with a view to ascertaining whether such person is suffering, or has recently suffered, from any infectious disease, and in the event of admission, inspection, or examination being refused, the sheriff, or magistrate, or justice may, on reasonable cause shown, grant warrant authorising such entry, inspection, and examination, and on such warrant being obtained and exhibited, any" person refusing to admit the medical officer to such house or premises, or obstructing him in making the inspection or examination aforesaid, shall be liable to a penalty not exceeding forty shillings for every such offence.

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

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section by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

47 *Cleansing and disinfecting of premises, &c.*

- (1) Where it appears to the local authority, upon the certificate of the medical officer or any other legally qualified medical practitioner, 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 medical officer or of any other legally qualified medical practitioner, 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 purpose of disinfecting such house or part thereof, or such tenement or part thereof, they may make application to a sheriff, magistrate, or justice, and the sheriff, magistrate, 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.

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 ten pounds.
- (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.

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 medical officer of health 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 sixpence, and at the rate of sixpence for every twenty-five names contained therein, but no such payment shall exceed three shillings, and every person who shall wilfully or knowingly offend against this enactment shall, for each such offence, be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

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 five pounds, and, if the offence continues, to a further penalty not exceeding forty shillings 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.

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

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the satisfaction of the medical officer as testified by a certificate signed by him, or (as regards the articles) destroyed, shall be liable to a penalty not exceeding twenty pounds.

- (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.

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, magistrate, or justice, to a penalty not exceeding twenty pounds, or, where the proceedings are before a sheriff, to imprisonment with or without hard labour, for a period not exceeding one month.

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

- (1) Where a person ceases 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 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 twenty pounds.
- (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.

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 medical officer or other legally qualified medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed by order of a sheriff, magistrate, or justice, on the application and at the cost of the local authority of the district where such person is found, to any hospital in or within a convenient distance of such district, or, in the case of a combination as herein-after provided, in or within a convenient distance of the combined district, or the sheriff, magistrate, 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, magistrate, 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 ten pounds.

55 Detention of infected persons without proper lodging in hospital.

- (1) A sheriff, magistrate, or justice, on being satisfied on the application of the local authority that a person suffering from any infectious disease is in a hospital, 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 at the cost of the local authority during the time limited by the sheriff, magistrate, 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 earned into execution by any officer of any local authority, or by any police constable, or any officer of the hospital.

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 street, 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
 - (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 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 five pounds.
- (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.

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

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such child to attend school without procuring and producing to the teacher or other person in charge of such school a certificate from the medical officer, which he shall grant free of charge, or from some legally qualified medical practitioner, that such child has become free from disease and infection, and that the house and everything therein exposed to infection has been disinfected to the satisfaction of such medical officer or medical practitioner, shall be liable to a penalty not exceeding forty shillings.

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 forty shillings.

58 Prohibitions on infected person carrying on business.

No person suffering from an infectious disease, or who is living in an infected house, shall milk any animal, or pick fruit, or shall engage in any occupation connected with food, or carry on any trade or business in such a manner as to be likely to spread such disease, and any person who knowing himself to be suffering from any infectious disease contravenes this section shall be liable to a penalty not exceeding ten pounds.

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, and any person contravening any of the foregoing provisions shall be liable to a penalty not exceeding ten pounds ; and if 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 five pounds, 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 by the local authority.

60 Inspection of dairies, and power to prohibit supply of milk.

- (1) If the medical officer of any district has evidence that any person in the district is suffering from an infectious disease attributable to milk supplied within the district from any dairy situate within the district, or that the milk from any such dairy is likely to cause any such disease to any person residing in the district, such medical officer shall visit such dairy, and the medical officer shall examine the dairy and every person engaged in the service thereof or resident upon the premises or who may be resident in any premises where any person employed in such dairy may reside, and if

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accompanied by a veterinary surgeon approved as aforesaid shall examine the animals therein, and the medical officer shall forthwith report the results of his examination accompanied by the report of the veterinary surgeon, if any, to the local authority or any committee of the local authority appointed under section fourteen to deal with such matters.

- (2) If the medical officer of any district has evidence that any person in the district is suffering from any infectious disease attributable to milk from any dairy without the district, or that the milk from any such dairy is likely to cause any such disease to any person residing in the district, such medical officer shall forthwith intimate the same to the local authority of the district in which such dairy is situate, and such other local authority shall be bound, forthwith, by its medical officer to examine the dairy and the persons aforesaid, and by a veterinary surgeon approved as aforesaid, to examine the animals therein, previous notice of the time of such examination having been given to the local authority of the first-mentioned district, in order that the medical officer or any veterinary surgeon approved as aforesaid may, if they so desire, be present at the examinations referred to, and the medical officer of the second-mentioned local authority shall forthwith report the results of his examination, accompanied by the report of the veterinary surgeon, if any, to that local authority or any committee of that local authority appointed under section fourteen of this Act to deal with such matters.
- (3) The local authority of the district in which the dairy is situated, or any committee appointed for the purpose, shall meet forthwith and consider the reports together with any other evidence that may be submitted by parties concerned, and shall either make an order requiring the dairyman not to supply any milk from the dairy until the order has been withdrawn by the local authority, or resolve that no such order is necessary.
- (4) Where proceedings are taken or any order is made under this section by the local authority of a district other than a burgh, it shall not be competent to appeal against the said proceedings or against said order to the county council.
- (5) The local authority may, if the dairy is within the district, require the dairyman not to supply milk either within or without the district, and shall give notice of the fact to the local authority of any district within which they believe milk to be supplied from such dairy.
- (6) Any such order shall be forthwith withdrawn on the local authority, or their medical officer on their behalf, being satisfied that the milk from the dairy is no longer likely to cause infectious disease.
- (7) It shall be open to any local authority or dairyman; aggrieved by any such resolution or order, or withdrawal of order, to appeal in a summary manner to a sheriff having jurisdiction in the district in which the dairy is situated, and the sheriff may either make an order requiring the dairyman to cease from supplying-milk, or may vary or rescind any order which has been made by the local authority, and he may at any time withdraw any order made under this section. Pending the disposal of any such appeal the order shall remain in force.
- (8) If any person refuses to permit the medical officer or veterinary surgeon of either local authority to make examination as above provided, or, after any order has been made under this-section, supplies milk in contravention of the order, he shall be liable to a penalty not exceeding ten pounds, and, if the offence-continues, to a further penalty not exceeding five pounds for everyday during which the offence continues.
- (9) Provided that—

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- (a) proceedings in respect of the offence shall be taken before a sheriff having jurisdiction in the place where the dairy is situate; and
 - (b) a dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.
- (10) Nothing in or done under this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1886, or of any order, licence, or act of the Privy Council or the Board thereunder, or of any regulation, licence, or act of a local authority, made, granted, or done under any such order of the Privy Council or the Board, or exempt any dairy, building, or thing, or any person from the provisions of any general Act relating to dairies, milk, or animals.

61 Dairymen to supply information and to produce list of customers and invoices.

Whenever it shall be certified to the local authority, by the medical officer or other legally qualified medical practitioner, that the outbreak or spread of infectious disease within the district is, in the opinion of such medical officer or medical practitioner, attributable to milk supplied by any dairyman, whether wholesale or retail, or to milk supplied by one or other of several such dairymen, whether wholesale or retail,—

- (1) The local authority may "require such dairyman, whether within or without the district, to furnish to them within a time to be fixed by them, being not less than twenty-four hours, a full and complete list of the names and addresses of all his customers within the district so far as known to him, and such dairyman shall furnish such list accordingly, and the local authority shall pay to him for every such list at the rate of sixpence for every twenty-five names contained therein; and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings;
- (2) The local authority may require such dairyman to furnish to them, within a time to be fixed by them, a full and complete list of the names and addresses of the farmers, dairymen, or other parties from whom, during a period to be specified, the milk, or any part of the milk which they sell or distribute, was obtained, and, if required, to produce and exhibit to the medical officer, or to any person deputed by him, all invoices, pass-books, accounts, or contracts, connected with the consignment or purchase of milk during such period, and such dairymen or others shall furnish such lists and produce and exhibit such invoices, pass-books, accounts, or contracts, accordingly; and every person who shall wilfully or knowingly offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings;
- (3) In any case where the person liable to any penalty under this section is not resident within the district, such penalty may be sued for at the instance of the procurator fiscal before the sheriff of the county in which such person is either domiciled or carries on business.

62 Prohibition of retention of dead body in certain cases.

- (1) A person shall not without the sanction in writing of the 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 five pounds.

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 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 ten pounds
- (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,

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 five pounds, and, if the offence continues, to a further penalty not exceeding forty shillings for every day during which the offence continues.

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, and for preventing overcrowding in such conveyances.