



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART IV

#### PREVENTION OF EPIDEMIC DISEASES.

#### **78 General power of Board to make regulations.**

The Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with any epidemic, endemic, or infectious disease, and preventing the spread of such diseases, as well on the seas, rivers, and waters of Scotland, and on the high seas within three miles of the coast thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed.

#### **79 Power of Board to make regulations for certain purposes.**

Whenever any part of Scotland appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Board may make and from time to time alter and revoke regulations for all or any of the following purposes ; (namely,)

- (1) For the speedy interment of the dead;
- (2) For house to house visitation;
- (3) For the provision of medical aid, dispensing of medicine, and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease;
- (4) For any such matters or things as may to them appear advisable for preventing or mitigating such disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any ships, whether in ports or on inland waters or on arms or parts of the sea within the

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jurisdiction of the Admiralty, for the period in such order mentioned ; and may by any subsequent order abridge or extend such period.

The Board may with the consent of the Treasury, employ such additional clerks as may be necessary during such period, and the remuneration of such clerks, and the office expenses incurred under this Part of this Act by the Board, shall be defrayed out of money to be provided by Parliament.

**80 Publication of regulations and orders.**

All regulations and orders made by the Board in pursuance of this Part of this Act shall be published in the Edinburgh Gazette, and such publication shall be conclusive evidence thereof for all purposes.

**81 Local authority to see to execution of regulations.**

The local authority of any district within which or part of which regulations so issued by the Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require.

**82 Power of entry.**

The local authority and their officers shall have power of entry on any premises for the purpose of executing or superintending the execution of any regulations so issued by the Board as aforesaid.

**83 Board may combine local authorities.**

The Board may, if they think fit, by order authorise or require any two or more local authorities to act together for the purposes of this Part of this Act, and may prescribe, the mode of such joint action, and of defraying the costs thereof.

**84 When regulation in force, overcrowded houses to come under common lodging-houses provisions.**

When any such regulation so issued by the Board is in force in any place, on the certificate of a medical officer, or of two duly qualified medical practitioners, or on the report of a sanitary inspector, or other sufficient evidence, that any house, or part of a house, is so overcrowded as to be dangerous to health, the local authority shall have power to regulate the same according to the provisions of this Act in reference to common lodging-houses.

**85 Enforcement of regulations by Government officers, &c.**

- (1) Regulations of the Board made in pursuance of this Part of this Act may provide for such regulations being enforced and executed by the officers of Customs and the officers and men employed in the Coastguard as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by this part of this Act may provide for—

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- (a) the signals to be hoisted by vessels having any case of epidemic, endemic, or infectious disease on board; and
  - (b) the questions to be answered by masters, pilots, and other persons on board any vessel as to cases of such disease on board during the voyage or on the arrival of the vessel; and
  - (c) the detention of vessels and of persons on board vessels ; and
  - (d) the duties to be performed in cases of such disease by masters, pilots, and other persons on board vessels.
- (2) Provided that the regulations shall be subject to the consent—
- (a) so far as they apply to the officers of Customs, of the Commissioners of Her Majesty's Customs ; and
  - (b) so far as they apply to officers or men employed in the Coastguard, of the Admiralty ; and
  - (c) so far as they apply to signals, of the Board of Trade.

**86 Regulations to be uniform.**

In the making of the regulations referred to in this Part of this Act regard shall be had to the expediency of uniform regulations throughout the whole of the United Kingdom.

**87 Penalties.**

If any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulation made under this Part of this Act, he shall be liable to a penalty not exceeding one hundred pounds, and in the case of a continuing offence to a further penalty not exceeding fifty pounds for every day during which the offence continues; and any such penalty shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the Board, or by any local authority with the consent of the Board, in any competent Court. '

**88 Transfer of power under 39 & 40 Vict. c.36 s.234.**

The powers exercisable by Her Majesty in Council or any two of the Lords of Her Majesty's Privy Council under section two hundred and thirty-four of the Customs Consolidation Act, 1876, shall be exercisable by the Board, provided that any Orders of the Board shall apply to ships coming to any port in Scotland; and the penalties under that section may be sued for, prosecuted, and recovered with expenses at the instance of the Lord Advocate on behalf of the Board, or of any local authority with consent of the Board, by proceedings in any competent Court.