



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART III

GENERAL PREVENTION AND MITIGATION OF DISEASE.

Infectious Diseases.—Prevention.

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 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

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- 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—
 - (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.