



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART I

AUTHORITIES FOR EXECUTION OF ACT.

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.

Status: This is the original version (as it was originally enacted).

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 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 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.