



# Public Health (Control of Disease) Act 1984

## 1984 CHAPTER 22

### PART VI

#### GENERAL

#### **57 General provision for compensation.**

- (1) A local authority shall make full compensation to any person who has sustained damage by reason of the exercise by the authority, in relation to a matter as to which that person has not himself been in default, of any of their powers under a relevant provision of this Act ; but this subsection does not affect the discretion of a local authority under section 31(4) above in a case to which that subsection applies.
- (2) Subject to subsection (3) below, any dispute arising under this section as to the fact of damage, or as to the amount of compensation, shall be determined by arbitration
- (3) If the compensation claimed does not exceed £50, all questions as to the fact of damage, liability to pay compensation and the amount of compensation may, on the application of either party, be determined by, and any compensation awarded may be recovered before, a magistrates' court.
- (4) In an arbitration under this section, the reference shall be to a single arbitrator appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

#### **58 Form of notices and other documents.**

- (1) All notices, orders and other documents authorised or required by or under this Act to be given, made or issued by a local authority, and all notices and applications authorised or required by or under this Act to be given, made or issued by a local authority, and all notices and applications authorised or required by or under this Act to be given or made to or to any officer of a local authority, shall be in writing.

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*Status: Point in time view as at 01/04/1996.*

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- (2) The Secretary of State may by regulations made by statutory instrument prescribe the form of any notice, certificate or other document to be used for the purposes of this Act, and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

## **59 Authentication of documents.**

- (1) Any notice, order or other document which a local authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority—
- (a) by the proper officer of the authority as respects documents relating to matters within his province, or
  - (b) by any officer of the authority authorised by them in writing to sign documents of the particular or, as the case may be, the particular document.
- (2) Any document purporting to bear the signature of an officer—
- (a) expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or
  - (b) expressed to be duly authorised by the local authority to sign such a document or the particular document,
- shall, for the purposes of this Act, and of any byelaws and orders made under it, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the local authority.
- (3) In subsection (2) above “signature” includes a facsimile of a signature by whatever process reproduced.

## **60 Service of notices and other documents.**

Any notice, order or other document which is required or authorised by or under this Act to be given to or served on any person may, in any case for which no other provision is made by this Act, be given or served either—

- (a) by delivering it to that person—
- (b) in the case of a coroner or the proper officer of a local authority, by leaving it or sending it in a prepaid letter addressed to him, at either his residence or his office, and, in the case of any other officer of a local authority, by leaving it or sending it in a prepaid letter addressed to him, at his office, or
- (c) in the case of any other person, by leaving it, or sending it in a prepaid letter addressed to him, at his usual or last known residence, or
- (d) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office, or
- (e) in the case of a document to be given to or served on a person as being the owner of any premises by virtue of the fact that he receives the rackrent of the premises as agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a prepaid letter addressed to him, at his place of business, or
- (f) in the case of a document to be given to or served on the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to

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which it relates, and delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

## **61 Power to enter premises.**

- (1) Subject to the provisions of this section, any authorised officer of a local authority shall, on producing, if so required, some duly authenticated document showing his authority have a right to enter any premises at all reasonable hours—
  - (a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, any contravention of a relevant provision of this Act, or of byelaws made under this Act, which it is the duty of the local authority to enforce,
  - (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the local authority to take any action, or execute any work, under such a provision or such byelaws,
  - (c) for the purpose of taking any action, or executing any work, authorised or required by such a provision or such byelaws, or by any order made under such a provision, to be taken, or executed, by the local authority, or
  - (d) generally, for the purpose of the performance by the local authority of their functions under such a provision or such byelaws.
- (2) Admission to any premises, other than a factory or workplace, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.
- (3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
  - (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry, and
  - (b) that there is reasonable ground for entry into the premises for any such purpose as is mentioned in subsection (1) above.the justice may by warrant under his hand authorise the local authority by any authorised officer to enter the premises, if need be by force.
- (4) Such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

## **62 Supplementary provisions as to entry.**

- (1) An authorised officer entering any premises by virtue of section 61 above, or of a warrant issued under that section, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant he shall leave them as effectively secured against trespassers as he found them.
- (2) Every warrant issued under that section shall continue in force until the purpose for which the entry is necessary has been satisfied.

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- (3) If any person who in compliance with the provisions of that section or of a warrant issued under that section, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant he shall leave them as effectively secured against trespassers as he found them.
- (4) Nothing in that section or in this section limits the provisions of Parts II and IV of this Act with respect to entry into or upon, and inspection of, common lodging-houses and canal boats.

**63 Penalty for obstructing execution of Act.**

Any person who wilfully obstructs any person acting the in the execution of a relevant provision of this Act, or of any byelaw, order or warrant made or issued under this Act, shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

**64 Restriction on right to prosecute.**

- (1) Subject to subsection (2) below, proceedings in respect of an offence created by or under this Act, shall not, without the written consent of the Attorney General, be taken by any person other than—
  - (a) a party aggrieved, or
  - (b) a local authority or a body whose function it is to enforce the provision or byelaw in question, or by whom or by whose predecessors the byelaw was made.
- (2) A constable may take proceedings, without the consent of the Attorney General, in respect of an offence against a byelaw made (whether before or after the passing of this Act) by—
  - (a) a district council [<sup>F1</sup>Welsh county council, county borough council] or London borough council, or
  - (b) a body that was the predecessor of such a council.

**Textual Amendments**

**F1** Words in s. 64(2)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 13(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

**65 Daily penalties for continuing offences.**

Where by or under this Act provision is made for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court ; and, where the court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before that period expires.

<sup>F2</sup>66 .....

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#### Textual Amendments

**F2** S. 66 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. I

### **67 Applications to, and appeals from magistrates' courts.**

- (1) Where this Act provides for any matter to be determined by, or for an application in respect of a matter to be made to, a magistrates' court, the procedure shall be by way of complaint for an order.
- (2) Where a person aggrieved by any order, determination or other decision of a magistrates' court under a relevant provision of this Act is not by any other enactment authorised to appeal to the Crown Court, he may appeal to the Crown Court.
- (3) Subsection (2) above does not confer a right of appeal from the decision of a magistrates' court in any case if each of the parties concerned might under this Act have required that the dispute should be determined by arbitration instead of by a magistrates' court.

### **68 Judges and justices not to be disqualified by liability to rates.**

A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a local authority are to be defrayed.

### **69 Protection from personal liability.**

- (1) Subject to subsection (2) below—
  - (a) nothing done, and no contract entered into, by any local authority, port health authority or joint board, and nothing done by any member or officer of, or person acting under the direction of, such an authority or board, shall, if done or entered into bona fide for the purposes of executing a relevant provision of this Act, subject them or him personally to any action, liability, claim or demand whatsoever, and
  - (b) any expense incurred by any such authority, board, member, officer or other person acting bona fide as mentioned in paragraph (a) above shall be borne and repaid out of the fund or rate applicable by the authority or board to the general purposes of this Act.
- (2) Nothing in subsection (1) above exempts a member of any such authority or board from liability to make any payment in pursuance of section 19 or 20 of the <sup>M1</sup> Local Government Finance Act 1982 (unlawful expenditure).

#### Marginal Citations

**M1** 1982 c. 32.

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## **70 Local inquiries .**

The Secretary of State may cause a local inquiry to be held in any case where he is authorised by this Act to make an order, to give any consent or approval or otherwise to act under this Act, and in any other case where he deems it advisable that a local inquiry should be held in relation to any matter concerning the public health in any place.

## **71 Default powers of Secretary of State.**

- (1) If the Secretary of State is satisfied that any local authority, port health authority or joint board have failed to discharge their functions under a relevant provision of this Act in any case where they ought to have discharged them, he may make an order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, and in such manner and within such time or times, as may be specified in the order.
- (2) If the authority or board with respect to whom an order has been made under subsection (1) above fail to comply with any requirement of the order within the time limited by the order for compliance with that requirement, the Secretary of State, in lieu of enforcing the order by mandamus or otherwise, may make an order transferring to himself such of the functions of the body in default as may be specified in his order.
- (3) Where the Secretary of State has by order under subsection (2) above transferred any functions to himself, any expenses incurred by him in discharging those functions shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Secretary of State shall on demand be paid to him by the body in default, and shall be recoverable by him from them as a debt due to the Crown ; and that body shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them.
- (4) The payment of any such expenses shall, to the extent as may be sanctioned by the Secretary of State, be a purpose for which a local authority, port health authority or joint board may borrow money in accordance with the statutory provisions relating to borrowing by that authority or board.
- (5) In any case where the Secretary of State has made an order under subsection (2) above, he may by order vary or revoke that order, but without prejudice to the validity of any thing previously done under it.
- (6) Where any such order is so revoked, the Secretary of State may, either by the revoking order or by a subsequent order, make such provision as appears to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by him in discharging any of the functions to which the revoked order related.

## **72 Cumulative effect of Act.**

All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by Act, law or custom ; and, subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised, and shall be performed, in the same manner as if this Act had not been passed.

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### **73 Crown property.**

- (1) This section applies to any house, building or other premises being property belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for purposes of a government department.
- (2) In relation to any such property, the appropriate authority may agree with—
  - (a) the council of the county, or
  - (b) the local authority of the district,in which the property is situated that any relevant provision of this Act specified in the agreement shall apply to the property ; and, while the agreement is in force, that provision shall apply to that property accordingly, subject to the terms of the agreement.
- (3) Any such agreement may contain such consequential and incidental provisions (including, with the approval of the Treasury, provisions of a financial character) as appear to the appropriate authority to be necessary or equitable.
- (4) In this section, “the appropriate authority” means—
  - (a) in the case of property belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the property ;
  - (b) in the case of property belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy ;
  - (c) in the case of property belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ; and
  - (d) in the case of property belonging to a government department or held in trust for Her Majesty for purposes of a government department, that department ;and, if any question arises as to what authority is the appropriate authority in relation to any property, that question shall be referred to the treasury, whose decision shall be final.

### **74 Interpretation.**

In this Act, unless the context otherwise requires—

“authorised officer”, in relation to a local authority, means—

- (a) an officer of the authority authorised by them in writing, either generally or specially, to act in matters of a specified kind or in a specified matter, or
- (b) by virtue of his appointment and for the purpose of matters within his province, a proper officer of the authority, appointed for purposes corresponding to any of those of the former medical officers of health, surveyors and sanitary inspectors ;

“coastal waters” means waters within a distance of three nautical miles from any point on the coast measured from low–water mark of ordinary spring tides ;

“common lodging–house” means a house (other than a public assistance institution) provided for the purpose of accommodating by night poor persons, not being members of the same family, who resort to it and are allowed to

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occupy one common room for the purpose of sleeping or eating and, where part only of a house is so used, includes the part so used ;

“district”, in relation to a local authority in Greater London, means a London borough, the City of London, the Inner Temple or the Middle Temple [<sup>F3</sup>and, in relation to a local authority in Wales, means a county or county borough];

“dustbin” means a movable receptacle for the deposit of ashes or refuse ;

“factory” has the meaning given by section 175 of the <sup>M2</sup> Factories Act 1961 ;

“functions” includes powers and duties ;

“hospital” includes any premises for the reception of the sick ;

“house” means a dwelling–house, whether a private dwelling–house or not ;

“inland waters” includes rivers, harbours and creeks ;

“local Act” includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order ;

“local authority” has the meaning given by section 1(2) above ;

“London port health authority” and “London port health district” have the meanings given by section 7 above ;

[<sup>F4</sup> “NHS trust” and “NHS contract” have the same meaning as in Part I of the National Health Service and Community Care Act 1990 or, as the case may require, the National Health Service (Scotland) Act 1978]

“notifiable disease” has the meaning given by section 10 above;

“officer” includes servant;

“owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent if those premises were let at a rackrent ;

“port” has the meaning given by section 2(1) above ;

“Port of London” has the meaning given by section 6 above ;

“premises” includes buildings lands, easements and hereditaments of any tenure ;

“proper officer” means, in relation to a purpose and to an authority, an officer appointer for that purpose by that authority ;

“rackrent” in relation to any property means a rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and deducting from it the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such a rent ;

“rating district” has the meaning given by section 115(1) of the <sup>M3</sup> General Rate Act 1967 ;



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“relevant provision of this Act” means a provision of this Act other than section 46 ;

“riparian authority” has the meaning given by section 2(2) above ;

“school” includes a Sunday school or a Sabbath school ;

<sup>F5</sup> . . .

“street” includes any highway, including a highway over any bridge and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not ;

“vessel” has the same meaning as [<sup>F6</sup>“ship” in the Merchant Shipping Act 1995] except that it includes a hovercraft within the meaning of the <sup>M4</sup> Hovercraft Act 1968, and “ master” shall be construed accordingly.

#### Textual Amendments

- F3** S. 74: words in the definition of “district” added (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 13(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F4** Definition inserted by National Health Service and Community Care Act 1990 (c.19, SIF 113:2), s. 66(1), **Sch. 9 para. 26(4)**
- F5** Definition of “standard scale” in s. 74 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**
- F6** S. 74: words in the definition of “vessel” substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 69(b)** (with s. 312(1))

#### Marginal Citations

- M2** 1961 c. 34.
- M3** 1967 c. 9.
- M4** 1968 c. 59.

## 75 Inner Temple and Middle Temple.

In relation to the Inner Temple and the Middle Temple, any reference in a provision of this Part of this Act to an officer or authorised officer of a local authority is a reference to an officer authorised by the Sub-Treasurer or the Under Treasurer, as the case may be, to act for the purposes of that provision.

## 76 Isle of Man and Channel Islands.

- (1) Her Majesty may by Order in Council direct that—
- regulations made under section 13 above, other than regulations for purposes mentioned in subsection (1)(a) of that section that will be operative on land, or
  - regulations made under that section as it has effect by virtue of section 14 above in relation to aerodromes vested in or under the control of the Secretary of State,
- shall extend to the Isle of Man or any of the Channel Islands with such modifications, additions and omissions as may be specified in the Order.
- (2) For the purposes of an Order under subsection (1) above, sections 13(5) and 15 above are deemed to form part of the regulations.

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**77 Transitional provisions and savings.**

The transitional provisions and savings in Schedule 1 to this Act shall have effect.

**78 Amendments and repeals.**

Subject to section 77 above—

- (a) the Acts specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, and
- (b) the Acts specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**79 Short title, commencement and extent.**

- (1) This Act may be cited as the Public Health (Control of Disease) Act 1984.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act shall not extend to Scotland or to Northern Ireland.

**Status:**

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**Changes to legislation:**

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