



Public Health Act 1936

1936 CHAPTER 49

PART V

PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE.

Provisions for preventing spread of infection.

148 Penalty on exposure of persons and articles liable to convey notifiable disease.

A person who—

- (a) knowing that he is suffering from a notifiable disease, exposes other persons to the risk of infection by his presence or conduct in any street, public place, place of entertainment or assembly, club, hotel, inn or shop;
- (b) having the care of a person whom he knows to be suffering from a notifiable disease, causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or
- (c) gives, lends, sells, transmits or exposes, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from any such disease, or any other article which he knows to have been so exposed and which is liable to carry such infection,

shall be liable to a fine not exceeding five pounds :

Provided that a person shall not incur any liability under this section by transmitting with proper precautions any article for the purpose of having it disinfected.

149 Person suffering from notifiable disease not to carry on occupation to danger of others.

A person who, knowing that he is suffering from a notifiable disease, engages in or carries on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease shall be liable to a fine not exceeding five pounds.

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150 Child liable to convey notifiable disease may be ordered not to attend school.

- (1) A person having the care of a child who is, or has been, suffering from, or has been exposed to infection of, a notifiable disease, shall not, after receiving notice from the medical officer of health of the district that the child is not to be sent to school, permit the child to attend school, until he has obtained from the medical officer of health a certificate, for which no charge shall be made, that in his opinion the child may attend school without undue risk of communicating the disease to others.
- (2) A person who contravenes the provisions of this section shall be liable to a fine not exceeding five pounds.

151 Local authority may require list of day-scholars at school where notifiable disease exists.

- (1) The principal of a school in which any scholar is suffering from a notifiable disease shall, if required by the medical officer of health of the district, furnish to him within a reasonable time fixed by him a complete list of the names and addresses of the scholars, not being boarders, in or attending the school, or any-specified department of the school.
- (2) The local authority shall pay to the principal of a school for every list furnished by him under this section the sum of sixpence, and, if the list contains more than twenty-five names, a further sum of sixpence for every twenty-five names (including the first twenty-five names) contained in the list.
- (3) If the principal of a school fails to comply with the provisions of this section, he shall be liable to a fine not exceeding five pounds.
- (4) In this section the expression " the principal " means the person in charge of a school, and includes, where the school is divided into departments and no one person is in charge of the whole school, the head of any department.

152 Restrictions on sending or taking infected articles to laundry or public washhouse, or to cleaners.

- (1) A person shall not send or take to any laundry or public washhouse for the purpose of being washed, or to any place for the purpose of being cleaned, any article which he knows to have been exposed to infection from a notifiable disease, unless that article has been disinfected by, or to the satisfaction of, the medical officer of health of the district or some other registered medical practitioner, or is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.
- (2) The local authority may pay the expenses of the disinfection of any such article as aforesaid if carried out by them or under their direction.
- (3) The occupier of any building in which a person is suffering from a notifiable disease shall, if required by the local authority, furnish to them the address of any laundry, washhouse or other place to which articles from the house have been, or will be, sent during the continuance of the disease for the purpose of being washed or cleaned.
- (4) A person who contravenes, or fails to comply with, any provision of this section shall be liable to a fine not exceeding five pounds.

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153 Power to prohibit home work on premises where notifiable disease exists.

- (1) If a case of a notifiable disease occurs on any premises, then, whether the person suffering from the disease has been removed from the premises or not, the local authority may make an order forbidding any work to which this section applies to be given out to any person living or working on those premises, or on such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or other place from which work is given out, or on any contractor employed by any such occupier.
- (2) An order under this section may be expressed to operate for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the medical officer of health, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.
- (3) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding ten pounds.
- (4) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be specified by order of the Minister.

154 Restrictions on sales, and &c, by persons collecting, or dealing in, rags, old clothes or similar articles.

- (1) No person who collects or deals in rags, old clothes or similar articles, and no person assisting, or acting on behalf of, any such person as aforesaid, shall—
 - (a) in or from any shop or premises used for, or in connection with, the business of a dealer in any such articles as aforesaid; or
 - (b) while engaged in collecting any such articles as aforesaid, sell or deliver, whether gratuitously or not, any article of food or drink to any person, or any article whatsoever to a person under the age of fourteen years.
- (2) A person who contravenes any of the provisions of this section shall be liable to a fine not exceeding five pounds,

155 Provisions as to library books.

- (1) A person who knows that he is suffering from a notifiable disease shall not take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.
- (2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a notifiable disease.
- (3) A person shall not return to any public or circulating library a book which he knows to have been exposed to infection from a notifiable disease, or permit any such book which is under his control to be so returned, but shall give notice to the local authority, or, in the case of a library provided by a county council, to that council, that the book has been so exposed to infection.
- (4) A person who contravenes any of the foregoing provisions of this section shall be liable to a fine not exceeding five pounds.

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- (5) A local authority or, as the case may be, a county council on receiving such a notice as aforesaid shall cause the book to be disinfected and returned to the library, or shall cause it to be destroyed.

156 Infectious matter not to be placed in dustbins.

- (1) A person who places, or causes or permits to be placed, in a dustbin or ashpit any matter which he knows to have been exposed to infection from a notifiable disease, and which has not been disinfected, shall be liable to a fine not exceeding five pounds.
- (2) The local authority shall give notice of the provisions of this section to the occupier of any house in which they are aware that there is a person suffering from a notifiable disease.

157 Provisions as to the letting of houses, or rooms in hotels, after recent case of notifiable disease.

- (1) If any person who—
- (a) is concerned in the letting of a house or part of a house, or in showing a house or part of a house with a view to its being let; or
 - (b) has recently ceased to occupy a house or part of a house,
- is questioned by any person negotiating for the hire ' of the house, or any part thereof, as to whether there is, or has been within the preceding six weeks, in any part of the house a person suffering from a notifiable disease, and knowingly makes a false answer to that question, he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding one month.
- (2) A person who lets any house or part of a house in which a person has to his knowledge, been suffering from a notifiable disease without having the house, or the part of the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of health of the district or of some other registered medical practitioner, as testified by a certificate signed by him, shall be liable to a fine not exceeding twenty pounds.
- (3) The keeper of an hotel or inn who allows a room therein in which any person has to his knowledge been suffering from a notifiable disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of the medical officer of health of the district or of some other registered medical practitioner, as testified by a certificate signed by him, shall be liable to a fine not exceeding twenty pounds.

158 Persons ceasing to occupy house to disclose to owner any recent case of notifiable disease, and to disinfect.

- (1) If a person ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from a notifiable disease and either—
- (a) fails to have the house, or the part of the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of health of the district or some other registered medical practitioner, as testified by a certificate signed by him; or

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- (b) fails to give to the owner of the house, or the part of the house, notice of the previous existence of the disease; or
- (c) on being questioned by the owner as to whether within the preceding six weeks there has been therein any person suffering from any notifiable disease, makes a false answer to such question,

he shall be liable, in the case of an offence under paragraph (a) or paragraph (b) of this subsection, to a fine not exceeding twenty pounds and, in the case of an offence under paragraph (c), to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month.

- (2) The local authority shall give notice of the provisions of this section to the occupier and also to the owner of any house in which they are aware that there is a person suffering from a notifiable disease.

159 Provisions as to use of public conveyances by persons suffering from notifiable disease.

- (1) No person who knows that he is suffering from a notifiable disease shall—
 - (a) enter any public conveyance used for the conveyance of persons at separate fares,- or
 - (b) enter any other public conveyance without previously notifying the owner or driver thereof that he is so suffering.
- (2) No person having the care of a person whom he knows to be suffering from a notifiable disease shall permit that person to be carried—
 - (a) in any public conveyance used for the conveyance of persons at separate fares; or
 - (b) in any other public conveyance without previously informing the owner or driver thereof that that person is so suffering.
- (3) A person who contravenes any provision of this section shall be liable to a fine not exceeding five pounds and, in addition to any fine imposed, shall be ordered by the court to pay to any person concerned with the conveyance as owner, driver or conductor thereof a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance under the provisions in that behalf contained in the next succeeding section.

160 Duty of owner, and &c, of public conveyance in regard to cases of notifiable disease.

- (1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares, shall not convey therein a person whom he knows to be suffering from a notifiable disease.
- (2) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notifiable disease, until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding subsection.
- (3) If a person suffering from a notifiable disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable, give notice to the medical officer of health of the district in which the conveyance is usually kept, and, before permitting any other person to enter the conveyance, shall cause it to be disinfected,

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and any person concerned with the conveyance as owner, driver or conductor thereof may recover in a summary manner from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him.

- (4) A person who contravenes any of the foregoing provisions of this section shall be liable to a fine not exceeding five pounds.
- (5) The local authority, when so requested by the person in charge of a public conveyance in which a person suffering from a notifiable disease has been conveyed, shall provide for its disinfection, and shall make no charge in respect thereof except in a case where the owner, driver or conductor conveyed a person knowing that he was suffering from a notifiable disease.

161 Power of Minister to make regulations as to disposal of dead bodies.

The Minister, with the concurrence of the Secretary of State, may make regulations imposing any conditions and restrictions with respect to means of disposal of dead bodies otherwise than by burial or cremation, as to the period of time a body may be retained after death on any premises, or with respect to embalming or preservation, which may appear to be desirable in the interests of public health or public safety.

162 Power of justice to order dead body to be removed to mortuary, or buried forthwith.

- (1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a certificate of the medical officer of health of the district in which a dead body lies, or on a certificate of any other registered medical practitioner on the staff of the local authority of that district, that the retention of the body in any building would endanger the health of the inmates of that building, or of any adjoining or neighbouring building, he may order that the body be removed by, and at the cost of, the local authority to a mortuary, and that the necessary steps be taken to secure that it is buried within a time limited by the order or, if he considers immediate burial necessary, immediately :

Provided that relatives or friends of the deceased person shall be deemed to comply with an order so made if they cause the body to be cremated within the time limited by the order, or, as the case may be, immediately.

- (2) Unless relatives or friends of the deceased person undertake to, and do, cause the body to be buried or cremated within the time limited by the order or, as the case may be, immediately, it shall be the duty of the relieving officer of the district within which the body was lying at the time of the application to the justice to cause the body to be buried, and any expenses reasonably incurred by him in so doing may be recovered summarily by the council whose officer he is from any person legally liable to pay the expenses of the burial.
- (3) An order under this section shall be an authority to any officer named therein to do all acts necessary for giving effect to the order.

163 Restrictions in certain cases on removal of bodies of persons dying in hospital.

- (1) If a person dies in a hospital while suffering from a notifiable disease and the medical officer of health of the district, or some other registered medical practitioner, certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the

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body should not be removed from the hospital except for the purpose of being taken direct to a mortuary or being forthwith buried or cremated, it shall not be lawful for any person to remove the body from the hospital except for such a purpose.

- (2) In any such case as aforesaid, when the body is removed for the purpose of burial or cremation from the hospital or any mortuary to which it has been taken, it shall - forthwith be taken direct to some place of burial or crematorium, and there buried or cremated.
- (3) A person who contravenes any provision of this section shall be liable to a fine not exceeding five pounds.

164 Avoidance of contact with body of person who suffered from notifiable disease.

Every person having the charge or control of premises in which is lying the body of a person who has died while suffering from a notifiable disease shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body, and, if he fails to do so, shall be liable to a fine not exceeding five pounds.

165 Wake not to be held over body of person who suffered from notifiable disease.

It shall not be lawful to hold a wake over the body of a person who has died while suffering from a notifiable disease, and the occupier of any premises who permits or suffers any such wake to take place thereon, and every person who takes part in the wake, shall be liable to a fine not exceeding five pounds.