LOCAL GOVERNMENT OFFICERS

1959 No. 962

The Public Health Officers Regulations, 1959

Made - - - -	2*nd June*, 1959
Laid before Parliament	8*th June*, 1959
Coming into Operation	15*th June*, 1959

The Minister of Health, in exercise of the powers conferred on him by sections 103 and 108 of the Local Government Act, 1933(a), section 79 of the London Government Act, 1939(b) and section 86 of the Housing Act, 1957(c), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

INTERPRETATION, ETC.

Short title

1. These regulations may be cited as the Public Health Officers Regulations, 1959, and shall come into operation on the fifteenth day of June, 1959.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Minister" means the Minister of Health:

"local authority" means

(*a*) as respects the City of London, the Common Council;

(*b*) as respects a metropolitan borough, the council of the borough;

(*c*) as respects the port of London, the port health authority;

(*d*) as respects the Inner Temple and Middle Temple, the respective overseers thereof; and

(*e*) as respects any other borough and any urban district or rural district, the council of the borough or district;

"district" means the district of a local authority (and includes part of a district);

"county district" means the district of a non-county borough and any urban district or rural district.

(2) The Interpretation Act, 1889(d), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

Repeal of existing regulations

3. The Sanitary Officers Order, 1926(e), the Sanitary Officers (Outside London) Regulations, 1935 and 1951(f), and the Sanitary Officers (London) Regulations, 1935 and 1951(g) are hereby revoked.

(a) 23 & 24 Geo. 5. c. 51. (b) 2 & 3 Geo. 6. c. 40. (c) 5 & 6 Eliz. 2. c. 56.
(d) 52 & 53 Vict. c. 63. (e) S.R. & O. 1926/552 (Rev. XII, p. 685: 1926, p. 983).
(f) S.R. & O. 1935/1110 (Rev. XII, p. 514: 1935, p. 1004); S.I. 1951/1022 (1951 I, p. 1269).
(g) S.R. & O. 1935/1111 (Rev. XII, p. 691: 1935, p. 1013); S.I. 1951/1021 (1951 I, p. 1267).

PART II

MEDICAL OFFICERS OF HEALTH OF COUNTIES

Application

4. This part of these regulations shall apply in the case of every medical officer of health of a county other than the medical officer of health of the Administrative County of London.

Duties

5. A medical officer of health of a county shall, in respect of the county for which he is appointed, in addition to any other duties which may be assigned to him by the county council, carry out the following duties :—

(1) he shall inform himself as far as practicable respecting all matters affecting or likely to affect the public health in the county and be prepared to advise the county council on any such matter; and for this purpose he shall visit the several county districts in the county as occasion may require, giving to the medical officer of health of each county district prior notice of his visit, so far as this may be practicable;

(2) he shall perform all the duties imposed on a medical officer of health of a county by statute and by any orders, regulations or directions from time to time made or given by the Minister;

(3) he shall as soon as practicable after the 31st day of December in each year make an annual report to the county council for the year ending on that date on the sanitary circumstances, the sanitary administration and the vital statistics of the county, containing in addition to any other matters upon which he may consider it desirable to report, such information as may from time to time be required by the Minister, and furnish the Minister with as many copies of such report as the Minister may from time to time require;

(4) he shall furnish the Minister with one copy of any special report which he may make to the county council.

PART III

MEDICAL OFFICERS OF HEALTH OF DISTRICTS

Application

6. This part of these regulations shall apply in the case of every medical officer of health of a district.

Qualifications

7. A person shall not be qualified to be appointed as a medical officer of health of any district unless, in addition to holding any qualification prescribed by statute for the holder of that office, he is also registered in the medical register as the holder of a diploma in public health or state medicine.

Mode of appointment

8.—(1) In the event of a vacancy occurring in the office of medical officer of health for a district other than the port of London, a county borough or county district or of medical officer of health for a county district in relation to which there are not in force any such arrangements as are mentioned in subsection (4) of section 111 of the Local Government Act, 1933, the local authority shall, before proceeding to consider the appointment of any person to fill the office, submit to the Minister a statement in such form and containing such particulars as he may require relating to the proposals of the local authority for filling the vacancy.

(2) The preceding paragraph shall also apply in relation to a vacancy in the office of medical officer of health for a county district affected by any such arrangement as aforesaid which it is proposed to fill otherwise than in accordance with those arrangements.

(3) No steps shall be taken to appoint any person to fill any such vacancy as aforesaid except in accordance with proposals approved by the Minister for the purpose.

9. Before appointing a medical officer of health of a district the local authority shall cause to be inserted in some newspaper or newspapers circulating in the district, at least fourteen days before the date on which it is proposed that the appointment shall be considered by the authority, an advertisement specifying the district for which the appointment is to be made, together with the amount of the salary and of any travelling or other allowances proposed to be assigned.

Tenure of office of officer not restricted from private practice

10. If any medical officer of health hereafter appointed is not by the terms of his appointment restricted from engaging in private practice as a medical practitioner, he shall be appointed for a specified term ending on the 31st day of March next following the date of his appointment:

Provided that the officer may be dismissed at any time without notice by the Minister or by the local authority with the consent of the Minister, but not otherwise.

Suspension from duty

11. A local authority may suspend any medical officer of health from the discharge of his duties and shall forthwith report every such suspension, together with the reason therefor, to the Minister, and if the Minister directs that such suspension shall terminate, the officer shall be permitted forthwith to resume the discharge of his duties.

The local authority may withhold the whole or any part of the officer's salary payable in respect of the period of suspension. If the suspension is removed the amount so withheld shall be paid to the officer. If the officer dies or resigns or is removed from office during the period of suspension the amount so withheld shall not be paid unless the local authority otherwise determine.

Notice of resignation

12. A medical officer of health shall not be appointed by a local authority who does not, as one of the terms of his engagement, agree to give at least one month's notice before resigning his office or to forfeit as liquidated damages such sum as may be agreed upon at the date of his appointment.

Payment for special services

13. A local authority may pay to the medical officer of health a gratuity on account of extraordinary services performed by him, or on account of unforeseen or special circumstances connected with his duties or the necessities of the district.

Variation of terms of appointment

14. If a local authority propose to alter the terms of appointment of the medical officer of health of the district and he is unwilling to accept the alteration, he may refer the matter to the Minister, and no alteration shall in that event be made without the Minister's consent.

Duties

15. A medical officer of health shall, in respect of the district for which he is appointed—

(1) inform himself as far as practicable respecting all matters affecting or likely to affect the public health in the district and be prepared to advise the local authority on any such matter;

(2) perform all the duties imposed on a medical officer of health by statute and by any orders, regulations or directions from time to time made or given by the Minister, and by any byelaws or instructions of the local authority applicable to his office;

(3) forward to the Minister by post every week in time to ensure its delivery on Monday, or the morning of Tuesday at the latest, a return, in such form as the Minister may from time to time require, of the number of cases of infectious disease and of cases of food poisoning and suspected food poisoning notified to him during the week ended on the preceding Saturday night; and also (in the case of a county district) forward at the same time a duplicate of the return to the medical officer of health of the county in which the district is situated;

(4) as soon as practicable after the 31st day of December in each year furnish to the Minister a report for his district (or in the case of a union of districts for each district within the union) for the year ending on that date, relating to overcrowding within the meaning of the Housing Act, 1957, and showing—

(*a*) the number of dwellings overcrowded at the end of the year together with the number of families and the number of persons dwelling therein;

(*b*) the number of new cases of overcrowding reported;

(*c*) the number of cases of overcrowding relieved and the number of persons concerned;

(*d*) particulars of any case in which dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded;

(*e*) any other particulars with respect to conditions in relation to overcrowding upon which he may consider it desirable to report or which the Minister may from time to time require;

(5) as soon as practicable after the 31st day of December in each year make an annual report to the local authority for the year ending on that date on the sanitary circumstances, the sanitary administration, and the vital statistics of the district, containing in addition to any other matters upon which he may consider it desirable to report, such information as may from time to time be required by the Minister, and furnish the Minister with as many copies of such report as the Minister may from time to time require;

(6) furnish the Minister and, in the case of a county district, the county council with one copy of any special report which he may make to the local authority;

(7) forthwith report to the Minister any case of plague, cholera, smallpox, yellow fever, louse-borne typhus or louse-borne relapsing fever or any serious outbreak of disease or food poisoning in the district which may be notified to him, or which may otherwise come or be brought to his knowledge, and, in the case of a county district, also notify the medical officer of health of the county.

Unions of Districts

16. Where two or more districts have been united for the appointment of a medical officer of health and a committee or other body has been constituted for the purpose of appointing or removing such officer that committee or other body shall be deemed to be the local authority of each of the districts for the purposes of regulations 8 to 14 of these regulations.

PART IV

PUBLIC HEALTH INSPECTORS

Application

17. This part of these regulations shall apply in the case of every public health inspector of a district.

Qualifications

18.—(1) Subject to the provisions of paragraph (3) of this regulation, a person shall not be qualified to be appointed as a public health inspector of any district unless he is the holder of—

(*a*) a certificate or diploma of the Public Health Inspectors Education Board; or

(*b*) a certificate of the Royal Sanitary Association of Scotland; or

(*c*) a certificate of the late Royal Sanitary Institute and Sanitary Inspectors Examination Joint Board; or

(*d*) a certificate of the late Sanitary Inspectors Examination Board; or

(*e*) a certificate of the Royal Sanitary Institute issued before the 1st day of January, 1926.

(2) Where a local authority employ only one public health inspector for their district, they shall not appoint any person who has not had at least two years' previous experience as a public health inspector since obtaining one of the qualifications prescribed in paragraph (1) of this regulation.

(3) If a local authority employ a qualified veterinary surgeon for purposes connected with the inspection of meat they may, with the approval of the Minister, appoint him as a public health inspector for the purpose only of exercising the powers and duties of such an officer in relation to meat, notwithstanding that he does not possess any of the qualifications prescribed by this regulation.

Mode of appointment

19. The provisions of regulation 9 of these regulations shall apply, with the necessary modifications, to the appointment of a public health inspector as they apply to the appointment of a medical officer of health.

Tenure of office

20.—(1) Every public health inspector hereafter appointed to whom the provisions of section 110 of the Local Government Act, 1933, or section 81 of the London Government Act, 1939, do not apply, shall be appointed for a specified term ending on the 31st day of March next following the date of his appointment.

(2) Subject to the provisions of these regulations every public health inspector appointed for a specified term shall, on the expiration of that

term, unless the local authority not less than three months before the expiration of the term by resolution otherwise determine and give notice to him accordingly, continue to hold office from year to year, subject to the right of the local authority to give not less than three months' notice expiring on the 31st day of March in any year, until he dies or resigns or retires on superannuation, or is removed by the Minister or by the local authority with the consent of the Minister.

Restriction on private business

21. Every public health inspector hereafter appointed who by the terms of his appointment is not required to devote the whole of his time to the duties of his office or to the duties of that office and of any other office or offices held by him under any local authority, port health authority or public body shall as one of the terms of his engagement undertake to abstain wholly in his private business from any work arising out of or in any way connected with the discharge of his duties as public health inspector.

Suspension from duty and notice of resignation

22. The provisions of regulation 11 of these regulations with respect to suspension from duty and of regulation 12 with respect to notice of resignation shall apply, with the necessary modifications, to a public health inspector as they apply to a medical officer of health.

Payment for special services

23. The provisions of regulation 13 of these regulations with respect to payment for special services shall apply, with the necessary modifications, to a public health inspector as they apply to a medical officer of health.

Variation of terms of appointment

24. The provisions of regulation 14 of these regulations with respect to variation of terms of appointment shall apply, with the necessary modifications, to a public health inspector as they apply to a medical officer of health.

Duties

25. A public health inspector shall as regards the district for which he is appointed:—

(1) perform, under the general direction of the medical officer of health, all the duties imposed on a public health inspector by statute and by any orders, regulations or directions from time to time made or given by the Minister, and by any byelaws or instructions of the local authority applicable to his office;

(2) by inspection of his district, both systematically and at intervals as occasion requires, keep himself informed of the sanitary circumstances of the district and of the nuisances therein that require abatement;

(3) report to the local authority any noxious or offensive businesses, trades, or manufactures established within his district, and the breach or non-observance of any byelaws or regulations made in respect thereof;

(4) report to the local authority any damage done to any works of water supply or other works belonging to them, and also any case of wilful or negligent waste of water supplied by them, or any fouling by gas, filth, or otherwise of water used or intended to be used for domestic purposes;

(5) from time to time, and forthwith upon complaint, visit and inspect premises, stalls, vehicles and places used in connection with the preparation or sale of food for human consumption, and examine any food therein or any article or equipment used in connection with its preparation or sale, and take such proceedings as may be necessary for the purpose of enabling the local authority to carry out its functions under the Food and Drugs Act, 1955(a), and any regulations made thereunder;

Provided that in any case of doubt arising under this paragraph, he shall report the matter to the medical officer of health, with the view to obtaining his advice thereon;

(6) if so directed by the local authority, carry out the duties of a sampling officer under the Food and Drugs Act, 1955;

(7) if so directed by the local authority, inspect premises used as dairies for the purposes of Part II of the Food and Drugs Act, 1955, and any regulations made thereunder;

(8) give immediate notice to the medical officer of health of the occurrence within his district of any infectious or epidemic disease or other serious outbreak of illness; and whenever it appears to him that the intervention of such officer is necessary in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house or of any other conditions affecting the health of the district, forthwith inform the medical officer of health thereof;

(9) if so directed by the medical officer of health, remove, or superintend the removal of, patients suffering from infectious disease to hospital, and perform or superintend the work of disinfection after the occurrence of cases of infectious disease;

(10) if so directed by the local authority, supervise the scavenging of his district or any part thereof;

(11) if so directed by the local authority, act as authorised officer of the local authority under Part X of the Public Health Act, 1936(b), and under any orders or regulations made thereunder;

(12) if so directed by the local authority, carry out duties of inspection under the Prevention of Damage by Pests Act, 1949(c);

(13) if so directed by the local authority, act as designated officer for the purposes of the Housing Consolidated Regulations, 1925 and 1932(d);

(14) if so directed by the local authority, carry out duties of inspection under Part IV of the Housing Act, 1957;

(15) if so directed by the local authority, superintend and see to the due execution of all works which may be undertaken by their direction for the suppression or removal of nuisances;

(16) if so directed by the local authority, carry out duties of inspection under the Clean Air Act, 1956(e), and superintend and see to the due execution of all works which may be undertaken by their direction under that Act;

(a) 4 & 5 Eliz. 2. c. 16. (b) 26 Geo. 5 & 1 Edw. 8. c. 49. (c) 12, 13 & 14 Geo. 6. c. 55
(d) S.R. & O. 1925/866, 1932/648 (Rev. X, p. 29: 1925, p. 513; 1932, p. 532).
(e) 4 & 5 Eliz. 2. c. 52.

(17) carry out any duties imposed upon him by the local authority with reference to the provisions of the Shops Act, 1950(a), relating to ventilation, temperature, and sanitary conditions;

(18) enter from day to day, in a book or on separate sheets or cards provided by the local authority, particulars of his inspections and of the action taken by him in the execution of his duties;

(19) at all reasonable times, when applied to by the medical officer of health, produce to him his books, or any of them, and render to him such information as he may be able to furnish with respect to any matter to which the duties of a public health inspector relate;

(20) as soon as practicable after the 31st day of December in each year, furnish the medical officer of health with a tabular statement containing the following particulars:—

(*a*) the number and nature of inspections made by him during the year;

(*b*) the number of notices served during the year, distinguishing statutory from other notices;

(*c*) the result of the service of such notices.

Districts with two or more public health inspectors

26. When in any district there are two or more public health inspectors, nothing in these regulations shall be deemed to prevent the local authority from distributing among them the duties directed by these regulations to be performed by a public health inspector.

PART V

GENERAL

Power to dispense with requirements of regulations

27. The Minister may dispense with any of the requirements of these regulations in any case in which it appears to him desirable so to do, on such terms and conditions as he thinks fit, and such dispensation may be given at any time, provided that the Minister is satisfied that the interest of any person will not be prejudiced thereby.

Given under the official seal of the Minister of Health this second day of June, nineteen hundred and fifty-nine.

(L.S.)

Derek Walker-Smith,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations (together with the Public Health Officers (Port Health Districts) Regulations, 1959) replace with amendments the Sanitary Officers (Outside London) Regulations, 1935 and 1951, and the Sanitary Officers Order, 1926, which with the Sanitary Officers (London) Regulations, 1935 and 1951, applied only to London.

(a) 14 Geo. 6. c. 28.

The regulations apply to local authorities in England and Wales, including London, and to the port health authority of the port of London.

Under the former regulations compliance with certain provisions was a condition of the right of councils of county districts and metropolitan boroughs to receive from county councils payments towards the salaries of medical officers of health and public health inspectors. These payments were abolished by section 57 of the Local Government Act, 1958. Otherwise the regulations substantially repeat the provisions of the former regulations as to the qualifications, duties and tenure of office of medical officers of health and public health inspectors.

The regulations make applicable to all local authorities the requirement that a public health inspector shall perform his duties under the general direction of the medical officer of health.

In addition to the qualifications prescribed for public health inspectors under the regulations to be now repealed the regulations provide for the recognition of certificates and diplomas of the Public Health Inspectors Education Board and certificates of the Royal Sanitary Association of Scotland and require that a public health inspector appointed by a local authority employing only one public health inspector shall have had at least two years' previous experience.

1959 No. 29

ISLES OF SCILLY

The Isles of Scilly (Litter Act) Order, 1959

Made - - - -	8*th January*, 1959
Coming into Operation	19*th January*, 1959

The Minister of Housing and Local Government, upon the application of the Council of the Isles of Scilly and in exercise of his powers under section 292 of the Local Government Act, 1933(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Isles of Scilly (Litter Act) Order, 1959, and shall come into operation on the 19th day of January, 1959.

2. This order shall be read and construed as one with the Isles of Scilly Orders, 1943 and 1957.

3. The Council shall exercise and perform the functions conferred on county councils by the Litter Act, 1958(b).

Given under the official seal of the Minister of Housing and Local Government this eighth day of January, nineteen hundred and fifty-nine.

(L.S.)

D. P. Walsh,
Under Secretary,
Ministry of Housing and Local Government.

(a) 23 & 24 Geo. 5. c. 51. (b) 6 & 7 Eliz. 2. c. 34.