PORT HEALTH AUTHORITIES, ENGLAND AND WALES

1959 No. 963

The Public Health Officers (Port Health Districts) 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 paragraph 1 of the First Schedule to the Public Health Act, 1936(a), 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 (Port Health Districts) 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 ;

" port health authority " means a port health authority constituted by an order made or having effect as if made by the Minister under section 2 of the Public Health Act, 1936.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Application of regulations

3. Nothing in these regulations shall apply to the port of London.

PART II

MEDICAL OFFICERS OF HEALTH

Application

4. This part of these regulations shall apply in the case of every medical officer of health of a port health district. Regulations 5 and 12 comprise the regulations compliance with which is by virtue of sub-paragraph (1) of paragraph 2 of the First Schedule to the Public Health Act, 1936, obligatory

(a) 26 Geo. 5 & 1 Edw. 8. c. 49. (b) 52 & 53 Vict. c. 63.

on every port health authority, and regulations 6 to 11 comprise the regulations compliance with which is by virtue of the said sub-paragraph a condition of the right of the authority to receive from a county council or county borough council any such payment as is mentioned in paragraph 3 of the said Schedule.

Qualifications

5. A person shall not be qualified to be appointed as a medical officer of health of any port health 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

6. Before appointing a medical officer of health of a port health district the port health 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 port health 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

7. 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 port health authority with the consent of the Minister, but not otherwise.

Suspension from duty

8. A port health 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 port health 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 port health authority otherwise determine.

Notice of resignation

9. A medical officer of health shall not be appointed by a port health 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

10. A port health 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 port health district.

Variation of terms of appointment

11. If a port health authority propose to alter the terms of appointment of the medical officer of health 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

12. A medical officer of health shall, in respect of the port health 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 port health authority on any such matter;

(2) perform all the duties imposed on a medical officer of health of a port health district by statute and by any orders, regulations or directions from time to time made or given by the Minister, and by any instructions of the port health 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 forward at the same time a duplicate of the return to the medical officer of health of the county or county borough in which the port health district is situated, or, where the port health district is not wholly situated in one county or county borough, the medical officer of health of each county or county borough in which a part of the port health district is situated;

(4) as soon as practicable after the 31st day of December in each year make an annual report to the port health authority for the year ending on that date on the sanitary circumstances, the sanitary administration, and the vital statistics of the port health 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;

(5) furnish the Minister and the county council or county borough council with one copy of any special report which he may make to the port health authority;

(6) 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 also notify the medical officer of health of the county or county borough in which the port health district is situated.

PART III

PUBLIC HEALTH INSPECTORS

Application

13. This part of these regulations shall apply in the case of every public health inspector of a port health district and comprises the regulations compliance with which is not obligatory but is by virtue of sub-paragraph (1) of paragraph 2 of the First Schedule to the Public Health Act, 1936, a condition of the right to receive from the county council or county borough council any such payment as is mentioned in paragraph 3 of the said Schedule.

Qualifications

14.—(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 port health 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 port health 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 port health 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 article.

Mode of appointment

15. The provisions of regulation 6 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

16.—(1) Every public health inspector hereafter appointed to whom the provisions of paragraph 4 of the First Schedule to the Public Health Act, 1936, 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 port health 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 port health 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 port health authority with the consent of the Minister.

Restriction on private business

17. 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 port health authority, local 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

18. The provisions of regulation 8 of these regulations with respect to suspension from duty and of regulation 9 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

19. The provisions of regulation 10 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

20. The provisions of regulation 11 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

21. A public health inspector shall, as regards the port health 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 instructions of the port health 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 port health district and of the nuisances therein that require abatement;

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

(4) where the port health authority have functions under the Food and Drugs Act, 1955(a), or any regulations made thereunder, carry out from time to time, and forthwith upon complaint, inspections of 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 port health authority to carry out its functions under the said Act and regulations:

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;

(5) where the port health authority have functions under the Food and Drugs Act, 1955, carry out the duties of a sampling officer under that Act if so directed by the port health authority;

(6) give immediate notice to the medical officer of health of the occurrence within the port health 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 other conditions affecting the health of the port health district, forthwith inform the medical officer of health thereof;

(7) 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;

(a) 4 & 5 Eliz. 2. c. 16.

(8) if so directed by the port health authority, supervise the scavenging of his district or any part thereof;

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

(10) if so directed by the port health authority, carry out duties of inspection under the Prevention of Damage by Pests Act, 1949(a);

(11) if so directed by the port health 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;

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

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

(14) 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 public health inspector relate;

(15) 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

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

PART IV

GENERAL

Power to dispense with requirements of regulations

23. 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.

(a) 12, 13 & 14 Geo. 6. c. 55. (b) 4 & 5 Eliz. 2. c. 52.

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 Regulations, 1959) replace with minor amendments the Sanitary Officers (Outside London) Regulations, 1935 and 1951. They apply to all port health authorities in England and Wales except the port health authority of the port of London.

Under the First Schedule to the Public Health Act, 1936, compliance with the regulations is obligatory so far as they relate to the qualifications and duties of medical officers of health but otherwise compliance with the regulations is a condition of the right of port health authorities to receive from county and county borough councils payments towards the salaries of medical officers of health and public health inspectors.

In addition to the qualifications prescribed under the preceding regulations for public health inspectors 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 port health authority employing only one public health inspector shall have had at least two years' previous experience.

POST OFFICE

TRANSMISSION OF POSTAL PACKETS

1959 No. 498

The British Commonwealth and Foreign Post Warrant, 1959

Made - - - -	*19th March*, 1959
Laid before Parliament	*26th March*, 1959
Coming into Operation	*1st April*, 1959

ARRANGEMENT OF REGULATIONS

PART I

Interpretation and application

1. Interpretation.
2. Application.

PART II

Rates of postage

3. Letters and postcards.
4. Reduced rate printed packets.
5. Other printed packets, commercial packets, sample packets and small packets.