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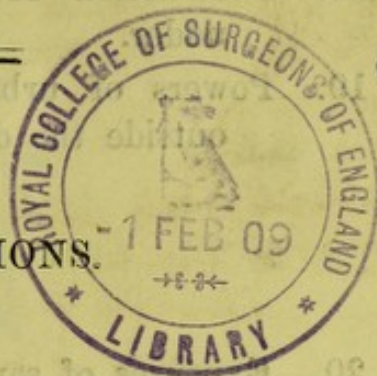
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Tuberculosis Prevention (Ireland)

Act, 1908.

Tracts B. 266.

[8 EDW. 7. CH. 56.]



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A.D. 1908.

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[Price 2d.]

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CHAPTER 56.

An Act to prevent the spread and provide for the treatment of Tuberculosis; and for other purposes connected therewith. [21st December 1908.]

A.D. 1908.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

NOTIFICATION AND DISINFECTION.

1.—(1) If any medical practitioner attending on any person, within any district to which this Part of this Act extends, becomes aware that that person is suffering in any prescribed circumstances from tuberculosis of any prescribed form, or at any prescribed stage, the medical practitioner shall within seven days after he becomes aware of the fact send to the medical officer of health a certificate in the prescribed form and containing the prescribed particulars. Notification.

(2) The Local Government Board, after consulting with the President of the Royal College of Physicians in Ireland and the President of the Royal College of Surgeons in Ireland, shall from time to time by Order prescribe the forms and stages of tuberculosis to which, and the circumstances in which, this section shall apply, but no forms of tuberculosis shall be so prescribed save such as by reason of infective discharges are liable to communicate the disease to other persons.

(3) Any certificate required to be sent to a medical officer of health under this section may be sent either by delivering it to

A.D. 1908. — that officer, or by leaving it at his office or residence, or by sending it by post addressed to him at his office or at his residence.

(4) If any medical practitioner required by this section to send a certificate fails to send the certificate within the period specified in this section, he shall be liable on summary conviction to a penalty not exceeding forty shillings.

(5) The sanitary authority shall pay to every medical practitioner for the certificate duly sent by him in relation to a patient in their district a fee of one shilling if the case occurs in an infirmary, public hospital, or workhouse, and a fee of two shillings and sixpence if the case occurs elsewhere, but only one notification fee shall be paid by the sanitary authority in respect of the same patient.

Where the medical practitioner required by this section to send a certificate is himself the medical officer of health of the district, he shall be entitled to the fee to which he would be entitled if he were not such medical officer.

(6) A payment made to any medical practitioner in pursuance of this section shall not disqualify the practitioner from serving as a member of any county or district council or as a guardian of any union.

(7) The Local Government Board shall make regulations for carrying into effect the provisions of this section, and such regulations shall, among other matters, prescribe the form of certificate to be sent under this section and the particulars to be inserted therein, and shall provide for the proper custody of all certificates, and for securing that, so far as is, in the opinion of the Board, consistent with the public advantage, no publicity shall be given to any of the particulars contained in any such certificate, and that the certificate shall be cancelled if and when it appears to the medical officer of health that the person to whom it relates has been cured of the disease.

The sanitary authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same.

(8) In this section the expression "medical officer of health" means—

(a) as respects any district for which there is a medical superintendent officer of health, that officer; and

(b) elsewhere, the medical officer of health of the dispensary district.

2. Section one hundred and thirty-nine of the Public Health (Ireland) Act, 1878 (relative to the provision of means of disinfection), and section five (which relates to the cleansing and disinfecting of premises), section six (which relates to the disinfection of bedding), section fifteen (which relates to temporary shelter), section sixteen (which relates to penalties), and section seventeen (which relates to power of entry) of the Infectious Disease (Prevention) Act, 1890, shall apply with the necessary modifications in every case where tuberculosis is notifiable under this Act as regards any premises, bedding, clothing or articles exposed to or likely to retain infection, in like manner as if tuberculosis were an infectious disease to which those Acts apply.

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Disinfection and cleansing.
41 & 42 Vict. c. 52.
53 & 54 Vict. c. 34.

3.—(1) This Part of this Act shall extend to any urban or rural sanitary district in Ireland after the adoption thereof.

Extent and adoption of Part I. of Act.

(2) The sanitary authority of any such urban or rural sanitary district may, subject to the approval of the council of any county in which the district is situated, adopt this Part of this Act by a resolution passed at a meeting of the authority.

(3) Fourteen clear days at least before the meeting a summons to attend the meeting, specifying the business to be transacted, and signed by the clerk of the sanitary authority, shall be sent by post to, or delivered at the usual place of abode of, every member of the sanitary authority.

(4) A resolution adopting this Part of this Act shall be published by advertisement in a local newspaper and by hand-bills, and otherwise, in such manner as the sanitary authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time (not less than one month) after the first publication of the advertisement of the resolution as the sanitary authority may fix, and, upon its coming into operation, this Part of this Act shall extend to the district.

PART II.

HOSPITALS AND DISPENSARIES.

4.—(1) A county council may, if they think fit, provide hospitals and dispensaries for the treatment of inhabitants of their county suffering from tuberculosis, and for that purpose may—

Provision of hospitals and dispensaries by county councils.

(a) themselves establish and maintain such hospitals and dispensaries; or

(b) enter into an agreement with any person having the management of any hospital or dispensary for the

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reception, maintenance, and treatment in the hospital or for treatment in the dispensary, as the case may be, of any such inhabitants of their county as aforesaid.

(2) Two or more county councils may combine in providing a common hospital or dispensary for the purposes of this section.

61 & 62 Vict.
c. 37.

(3) For the purpose of establishing a hospital or dispensary under this section a county council shall have all the powers which are conferred on county councils by subsection one and subsection two of section ten of the Local Government (Ireland) Act, 1898, and those subsections shall apply accordingly.

(4) A county council may borrow money for the purposes of this section in like manner as they may borrow for the purposes of a lunatic asylum under article twenty-two of the schedule to the Local Government (Application of Enactments) Order, 1898.

(5) A county council shall, for every hospital or dispensary established by them, appoint—

(a) a medical superintendent having the prescribed qualifications at such salary as may be approved by the Local Government Board; and

(b) such nurses having the prescribed qualifications, and other officers and attendants, as are necessary for the requirements of the hospital or dispensary, at such respective salaries as the county council think proper, and may dismiss any person so appointed as they think fit, excepting the medical superintendent, who shall not be dismissed without the concurrence of the Local Government Board.

Committees
of manage-
ment.

5.—(1) Every hospital or dispensary established by a county council under this Act shall be managed by a committee of management appointed by the council. Provided that a county council may appoint a committee for the management of any two or more of such institutions.

(2) The committee of management shall consist of such number of members as the county council fix, and not less than three-fourths of that number shall be members of the council.

(3) The committee shall be appointed triennially, in the case of the council of a county borough at such meeting of the council as the council may determine, and in the case of the council of a county other than a county borough at the first meeting of the council after the triennial election of county councillors. Provided that in the case of the first appointment of the committee the appointment may be made at any meeting of

the council, and the members of the committee so appointed shall hold office until the next following meeting of the council at which committees are to be appointed under this section.

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(4) The committee of management may from time to time make all necessary rules for the conduct and management of the hospital or dispensary and the patients therein, and for the admission of patients, including patients admitted on special terms as to payment and accommodation. A rule made under this subsection shall not come into operation unless and until it is approved by the Local Government Board.

(5) The provisions of this section shall, so far as circumstances admit, apply in all cases where a county council enters into an agreement under this Act for the reception, maintenance, or treatment of patients in a hospital or dispensary.

(6) The Local Government Board may, by Order, regulate the procedure of committees of management and make provision for the filling of casual vacancies in such committees, including any such vacancy caused by a member of the committee ceasing to be a member of the council.

6.—(1) Where two or more county councils combine for the purpose of providing a common hospital or dispensary, the councils shall, subject to regulations of the Local Government Board, appoint a joint committee, with such representation thereon of each council as may be agreed upon, or in case of dispute may be determined by the Local Government Board, and the powers of the several county councils under this Part of this Act (including powers of appointing officers or borrowing) shall be exercised jointly by and through the joint committee, subject to the provisions of this Act, and as regards borrowing powers subject to regulations to be made by the Local Government Board.

Joint committees.

(2) A joint committee shall be the committee of management of the common hospital or dispensary, and all the provisions of this Act relating to committees of management shall apply with the necessary modifications to the councils providing the hospital or dispensary and to the joint committee.

(3) Save where otherwise provided in this Act, proceedings had or taken by such joint committee shall be had or taken in the names of the said councils jointly, and proceedings had or taken against any such joint committee shall be had or taken against such councils jointly.

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Classification
of expenses
of hospitals.

7.—(1) The expenses incurred by any county council or councils or committee of management in respect of any hospital established under this Act shall be classified as establishment expenses and patients' expenses.

“Establishment expenses” shall include the original cost of providing the hospital, and of furnishing the hospital with the necessary appliances and furniture, and the cost of any extension or enlargement of the hospital, and the cost of keeping the hospital, its appliances and furniture, in a state requisite for the comfort of the patients; also the salaries of the doctors, nurses, officers, servants, and all other expenses for maintaining the hospital in a fit state for the reception of patients.

“Patients' expenses” means the cost of conveying, removing, feeding, providing medicines, disinfecting, and all other things required for patients individually, exclusive of “establishment expenses.”

(2) All expenses incurred by a county council in relation to the making or carrying out of an agreement under this Act for the reception, maintenance, and treatment of patients in a hospital shall, for the purposes of this Act, be deemed to be “patients' expenses.”

Expenses of
committees.

8.—(1) Subject to any conditions and restrictions which the county council or councils concerned may, with the consent of the Local Government Board, impose, all expenses incurred in relation to a hospital or dispensary under this Part of this Act shall, in the first instance, be defrayed by the committee out of a fund to be called the common fund, and all sums received or recovered by the committee shall be paid into that fund and carried to the appropriate account thereof.

(2) In the common fund, separate accounts shall be kept as regards establishment expenses and as regards patients' expenses, and in the case of patients' expenses a separate account shall be kept for each urban or rural district in the county or counties concerned in respect of the patients who were resident in the district at the time of admission.

(3) The money required to meet the expenses of a committee under this section shall be supplied by the county council or councils concerned upon the prescribed demand of the committee, and the money so demanded shall be a debt due from the council to the committee and may be recovered by the committee suing in the name of any member or officer of the committee.

(4) In the case of a joint committee, the demand upon each of the county councils concerned shall be a demand for the proportion payable by that council under this Act of the money so required.

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(5) The accounts of every committee shall be separately kept, and shall be audited by an auditor of poor law unions designated by the Local Government Board, and all the enactments which relate or apply to the audit of the accounts of rural district councils (including the provisions of those enactments which impose penalties or provide for the recovery or payment of sums, whether in respect of the salaries of auditors or otherwise), and all orders made thereunder, shall apply to the audit of the accounts of every such committee in like manner as if the committee were a rural district council.

9.—(1) The county councils establishing a common hospital shall contribute to the establishment expenses thereof in proportion to the rateable value of their respective counties, or in such other proportion as the Local Government Board may, on the joint application of all the said councils, determine.

Contributions by councils to common hospitals and dispensaries.

(2) The county councils providing a common hospital shall contribute to the patients' expenses thereof the sums appearing in the books of the committee as chargeable against the several county districts in their respective counties, or, in the case of the council of a county borough, against the borough.

(3) The county councils providing a common dispensary shall contribute to the expenses thereof in such proportions as may be agreed upon.

10.—(1) All expenses payable by the council of a county borough under this Part of this Act shall be raised by means of the poor rate.

Raising of expenses.

(2) All establishment expenses, or the proportion thereof payable by the council of any county other than a county borough, shall be raised as a county at large charge.

(3) The amount appearing in the books of the committee as chargeable in respect of patients' expenses against any county district shall be raised as an urban charge or a district charge, as the case may require, in like manner as such charges are raised under the Local Government (Ireland) Act, 1898.

61 & 62 Vict. c. 37.

(4) Notwithstanding anything in this Act, the amount to be raised by any county council for establishment expenses in relation to any hospital or hospitals shall not in any local financial

A.D. 1908. year exceed the sum which could be raised by a rate of one penny in the pound on the rateable value of the property in the county, or, in any case where the Local Government Board so consent, the sum which could be similarly raised by a rate of twopence in the pound.

(5) All expenses payable by the council of a county other than a county borough in respect of a dispensary shall be raised in the same manner as establishment expenses incurred in relation to a hospital, and shall not in any local financial year exceed the sum which could be raised by a rate of one penny in the pound on the rateable value of the property in the county.

Recovery of cost of maintenance of patients.

11.—(1) Subject to the provisions of any rules with regard to patients admitted on special terms, all expenses incurred in maintaining in a hospital a patient who is not a pauper shall be a debt due from that patient to the council, or, if he is maintained in a common hospital, to the joint committee, but proceedings for its recovery shall not be commenced after the expiration of six months from the discharge of the patient, or, if he dies in the hospital, from the date of his death.

Saving of disqualification of patients.

12. A person shall not suffer any disqualification or any loss of franchise or other right or privilege by reason of his or any member of his family being admitted into and maintained in any hospital provided under this Part of this Act, or being treated in any dispensary so provided.

Orders, rules, and regulations of Local Government Board.

13. The Local Government Board may make such orders, rules, and regulations as they think proper—

- (a) for regulating the communications by committees to county councils and by county councils to urban district councils of the respective amounts required to be raised in each local financial year, or any part thereof, and the estimates to be made by committees of their receipts and expenditure in each local financial year;
- (b) for regulating the method of calculating the amount of patients' expenses to be charged against any county district or county borough;
- (c) for regulating the administration of hospitals and dispensaries; and
- (d) generally for the purpose of carrying this Part of this Act into effect.

PART III.

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SANITARY PROVISIONS.

14. A sanitary authority may, with the approval of and subject to such conditions as may be prescribed by the Local Government Board, provide and pay for the delivery of public lectures within their district and for the distribution of pamphlets, notices, and leaflets on subjects relating to tuberculosis, and may, with the like approval and subject to the like conditions, provide any drugs or appliances which would tend to prevent or check the spread of the disease.

Lectures and information relating to tuberculosis.

15.—(1) A county council may appoint for their county a bacteriologist, being a medical practitioner, with such qualifications and at such remuneration as may be approved by the Local Government Board, for the examination of meat or milk or milk products, and of sputum or pathological specimens, and may, at their discretion, dismiss such bacteriologist.

Appointment of bacteriologist.

(2) Subject to regulations to be made by the county council, the services of such bacteriologist shall, without charge, be at the disposal of any sanitary authority within the county for which the bacteriologist is appointed.

(3) The expenses of a county council under this section shall be defrayed in like manner as establishment expenses under Part II. of this Act.

16.—(1) It shall be lawful for the medical officer of health of any dispensary district in a county for which a bacteriologist is appointed under this Act, and for any person authorised in writing in that behalf by the sanitary authority of any sanitary district in that county, to take, at any place within the dispensary district in the case of the medical officer, or within the sanitary district in the case of such other person, samples for examination or analysis of any milk or milk products produced or sold or intended to be sold within the county.

Power to take sample of milk and milk products.

(2) The powers conferred by this section on medical officers and other persons of taking samples within the dispensary district and sanitary district respectively may be exercised by any such medical officer or person at any place outside such district, if he has first obtained an order from a justice having jurisdiction in that place authorising the taking of such samples, which order any such justice is hereby empowered to make.

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(3) Every person taking a sample under this section in pursuance of an authorisation from a sanitary authority or an order of a justice shall produce the authorisation or order if and when required.

(4) Any person who wilfully obstructs or impedes any medical officer of health or other person acting in the execution of this section shall be liable on summary conviction for the first offence to a fine not exceeding twenty pounds, and for the second or any subsequent offence to a fine not exceeding fifty pounds.

(5) In this section the expression "medical officer of health" includes a medical superintendent officer of health, and in relation to a medical superintendent officer of health the expression "dispensary district" means the district for which such officer is appointed.

Veterinary surgeon to be officer of sanitary authority for certain purposes.

41 & 42 Vict. c. 52.

17.—(1) The expression "sanitary officer of the sanitary authority" in section one hundred and thirty-two of the Public Health (Ireland) Act, 1878, shall include any duly qualified veterinary surgeon approved by the sanitary authority for the purposes of that section, and the sanitary authority shall pay to such veterinary surgeon such remuneration as the Local Government Board may approve.

41 & 42 Vict. c. 74.
49 & 50 Vict. c. 32.

(2) A veterinary surgeon so approved shall be deemed to be an officer of the local authority for the purpose of any order or regulation made under the Contagious Diseases (Animals) Acts, 1878 and 1886.

Destruction of cows affected with tuberculosis of the udder.

41 & 42 Vict. c. 52.

18.—(1) Any sanitary authority may, if they think fit, cause to be slaughtered any milch cow which is certified by a veterinary surgeon to be affected with tubercular disease of the udder.

(2) Such sanitary authority shall, for any milch cow slaughtered under this section, pay to the owner compensation, which shall be determined in case of dispute in the manner provided by section two hundred and seventy-four of the Public Health (Ireland) Act, 1878, and shall not in any case exceed ten pounds.

(3) Where a milch cow has been slaughtered under this section, the carcase shall belong to the sanitary authority, and shall be buried or returned to the owner or otherwise disposed of by the sanitary authority according as the condition of the animal or carcase or other circumstances require or admit.

(4) Any person who wilfully obstructs or impedes any officer of the sanitary authority acting in the execution of this section shall be liable on summary conviction for the first offence to a fine not exceeding twenty pounds, and for the second or any subsequent offence to a fine not exceeding fifty pounds.

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19.—(1) The Local Government Board under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by any subsequent enactment, may on the application of the council of any urban district make an order authorising the council to exercise in relation to any dairies outside the district from which milk is supplied within the district all or any of the powers which may be conferred on a local authority in relation to dairies within their district by an order under the said section.

Powers of urban district councils in relation to dairies outside the district.

41 & 42 Vict. c. 74.

(2) The expression "dairies" in this section includes any farm, farmhouse, yard, cowshed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for the purposes of sale.

PART IV.

GENERAL.

20. Save where otherwise provided, all expenses incurred by a sanitary authority in the execution of this Act shall be paid as part of the expenses of such authority in the execution of the Public Health (Ireland) Acts, 1878 to 1907, and in the case of a rural sanitary authority shall be general expenses.

Expenses of sanitary authorities.

21. Offences under this Act may be prosecuted and fines under this Act may be recovered under the Summary Jurisdiction Acts before a court of summary jurisdiction constituted in the manner provided by section two hundred and forty-nine of the Public Health (Ireland) Act, 1878.

Prosecution of offences and fines.

41 & 42 Vict. c. 52.

22. In this Act, unless the context otherwise requires,—

Interpretation.

The expression "hospital" includes a sanatorium;

The expression "prescribed" means prescribed by the Local Government Board;

The expression "medical practitioner" means a medical practitioner duly registered under the Medical Acts;

The expressions "veterinary surgeon" and "duly qualified veterinary surgeon," respectively, mean a person registered under the Veterinary Surgeons Act, 1881.

44 & 45 Vict. c. 62.

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61 & 62 Vict.
c. 37.

Other expressions have the same meaning as the like expressions in the Local Government (Ireland) Act, 1898, and "county council" includes the council of a county borough, and "county" includes a county borough.

Citation and extent.

23. This Act may be cited as the Tuberculosis Prevention (Ireland) Act, 1908, and shall apply to Ireland only.

Commencement of Act.

24. This Act shall come into operation on the first day of July nineteen hundred and nine.

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