

Island of  Guernsey

Ordinance of the States **XXIX**
1973

Made 25th July, 1973.
Came into Operation ... 25th July, 1973.

**The Public Health (Amendment)
Ordinance, 1973**

THE STATES, in pursuance of their Resolution of the twenty-fifth day of April, nineteen hundred and seventy-three, and in exercise of the powers now vested in them by section four of the Law entitled “Loi relative à la Santé Publique, 1934”, registered on the seventeenth day of March, nineteen hundred and thirty-four^(a), and of all other powers enabling them in that behalf hereby order:—

1. The Public Health Ordinance, 1936, as amended^(b), is hereby further amended as follows:—

Amend-
ments to
Ordinance
of 1936.

(a) Article VI thereof is repealed and the following Article is substituted therefor—

(a) Ordres en Conseil Vol. IX, p. 386.

(b) Recueil d'Ordonnances Tome VIII, p. 316; Tome X, pp. 35 and 61; Tome XIII, p. 264; Tome XV, pp. 239 and 387.

“ ARTICLE VI.
MEANING OF NOTIFIABLE DISEASE.

Meaning of
notifiable
disease.

1. (1) For the purposes of this Ordinance the expression “notifiable disease” means—

- (a) any of the following infectious or contagious diseases, that is to say:—
 acute encephalitis;
 acute meningitis;
 acute poliomyelitis;
 anthrax;
 cholera;
 diphtheria;
 dysentery (amoebic or bacillary);
 infective jaundice;
 leprosy;
 leptospirosis;
 malaria;
 measles (morbilli);
 ophthalmia neonatorum;
 paratyphoid fever;
 plague;
 relapsing fever;
 scarlet fever;
 smallpox;
 tetanus;
 tuberculosis;
 typhoid fever;
 typhus;
 whooping cough;
 yellow fever; and
- (b) any other infectious or contagious disease which the Board may from time

to time by order declare to be a notifiable disease within the meaning of this section;

and the expression "infectious or contagious" shall be construed accordingly.

(2) Any power conferred by the last preceding paragraph to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

Orders to be laid before States.

2. Every order made by the Board under the provisions of the last preceding section shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the States resolve that the order be annulled the order shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the Board of a new order.";

(b) Article VII thereof is repealed and the following Article is substituted therefor—

“ ARTICLE VII.
NOTIFICATION OF NOTIFIABLE
DISEASE.

Cases of notifiable disease to be notified.

1. (1) If a medical practitioner becomes aware, or suspects, that a patient whom he is attending is suffering from a notifiable

disease he shall, unless he believes, and has reasonable grounds for believing, that some other such practitioner has complied with this subsection with respect to such patient, forthwith send to the Medical Officer of Health, a certificate stating—

- (a) the name, age and sex of the patient and the address of the premises where the patient is;
- (b) particulars of the notifiable disease from which the patient is, or is suspected to be, suffering and the date, or approximate date, of its onset;
- (c) if the premises aforesaid are a hospital, the day on which the patient was admitted thereto, the address of the premises from whence he came there and whether or not, in the opinion of the person giving the certificate, the notifiable disease from which the patient is, or is suspected to be, suffering was contracted in the hospital; and
- (d) such other particulars as the Board may from time to time determine.

(2) In this section, "hospital" means any institution for the reception and treatment of persons suffering from illness, any maternity home and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and "illness" includes mental disorder and any injury or disability requiring medical, surgical or dental treatment or nursing.

Penalty for failure to notify.

2. A medical practitioner who fails to comply with an obligation imposed on him under the provisions of the last preceding section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds:

Payment for certificate.

3. The Board shall pay to a medical practitioner for each certificate duly sent by him under section one of this Article a fee in such sum as the Board may from time to time determine.";

- (c) in sections one, three, six, seven and eight of Article VIII thereof and in sections four, five and seven of Article XI thereof the words "an infectious or contagious disease", wherever those words occur, are repealed and the words "a notifiable disease" are substituted therefor;

- (d) immediately after section three of Article VIII thereof there are inserted the following additional sections numbered "3A", "3B" and "3C"—

" Powers of
M.O.H.:
Medical
Examina-
tion of
persons.

3A. Where it appears to the Medical Officer of Health—

- (a) that there is reason to believe that a person is or has been suffering from a notifiable disease other than ophthalmia neonatorum or, in the case of diphtheria, dysentery (amoebic or bacillary), infective jaundice, paratyphoid fever, scarlet fever or typhoid fever, though not suffering from such a disease, is carrying an organism which is capable of causing the disease; and
- (b) that in such person's own interest, or in the interest of his family, or in the public interest, it is expedient that he should be examined; and
- (c) that such person is not under the treatment of a medical practitioner or that the medical practitioner who is treating him consents to such person being examined;

the Medical Officer of Health may by notice in writing signed

by him require such person to be examined by the Medical Officer of Health or by a medical practitioner nominated by the Medical Officer of Health.

Powers of
M.O.H.:
Medical
examina-
tion of
group of
persons.

3B. Where it appears to the Medical Officer of Health—

- (a) that one of a group of persons though not suffering from diphtheria, dysentery (amoebic or bacillary), infective jaundice, paratyphoid fever, scarlet fever or typhoid fever, is carrying an organism that is capable of causing the disease; and
- (b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be examined;

the Medical Officer of Health may by notice in writing signed by him require such persons to be examined by the Medical Officer of Health or by a medical practitioner nominated by the Medical Officer of Health.

Powers of
M.O.H.:
Measures to
prevent the
spread of
food and
food borne
infections.

3C. (1) Where it appears to the Medical Officer of Health that a person—

- (a) is suffering from food poisoning which may be caused by an infection; or

- (b) is suffering from, or is shown to be a carrier of, an infection to which this subsection applies;

and that it is desirable for the protection of the public health that measures should be taken to prevent the spread of infection, the Medical Officer of Health may by notice in writing signed by him—

- (i) require such person to discontinue or to refrain from engaging in any occupation connected with food until such person is notified by the Medical Officer of Health that the risk of causing infection is removed;
- (ii) require that such measures as shall be specified in the notice shall be taken for the protection of the public health, being measures which in the opinion of the Medical Officer of Health are desirable to prevent the spread of infection by such person; and
- (iii) require the assistance of any other person reasonably able to assist in securing compliance with any requirement under this subsection;

and if such person is already engaged in any occupation connected with food, the Medical Officer of Health shall send a copy of any notice served on such person under this section to his employer, if any, and to any other person reasonably able to assist in securing compliance with any requirement under this subsection.

(2) Where it appears to the Medical Officer of Health that there is reason to believe that a person engaged in any trade or business connected with food may be a carrier of an infection to which this subsection applies and that it is expedient for the purpose of preventing the spread of infection that such person be examined the Medical Officer of Health may by notice in writing signed by him—

- (a) require such person to be examined by the Medical Officer of Health or by a medical practitioner nominated by the Medical Officer of Health; and
- (b) require the responsible manager of such trade or business to give every reasonable assistance in securing compliance with the requirement under the last preceding paragraph.

(3) The infections to which subsections (1) and (2) of this section apply are diphtheria, typhoid, paratyphoid and other salmonella infections, amoebic and bacillary dysentery, scarlet fever, and staphylococcal infections likely to cause food poisoning.

(4) In any case in which the Medical Officer of Health has under the provisions of subsection (1) of this section required a person to discontinue or to refrain from engaging in any occupation connected with food, the Board, on proof of loss of income resulting therefrom, may give to such person such financial assistance and during such period as to the Board shall seem just.

(5) Any dispute arising as to the amount of financial assistance or as to the period during which such assistance should be given under the provisions of the last preceding subsection shall be determined by the Royal Court sitting as an Ordinary Court and the decision of the Royal Court shall be final.

(6) In this section the expression "connected with food", in relation to an occupation, trade or business, means connected with the preparation or handling of food or drink for human consumption.";

- (e) immediately after section eight of Article VIII thereof there is inserted the following additional section numbered "9"—

" Construc-
tion of
references
to medical
examina-
tion.

9. In this Article references to a person being examined by a medical practitioner shall be construed as including references to such person being submitted to bacteriological and radiological tests and other similar investigations."

2. This Ordinance shall have effect in the Islands Extent.
of Guernsey, Herm and Jethou.

3. This Ordinance may be cited as the Public Citation.
Health (Amendment) Ordinance, 1973.

4. This Ordinance and the Public Health Ord- Collective
inances, 1936 to 1968, may be cited together as the title.
Public Health Ordinances, 1936 to 1973.

R. H. VIDELO,
Her Majesty's Greffier.