



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART II

### SANITATION AND BUILDINGS

*Filthy or verminous premises or articles, and verminous persons.*

#### 83 Cleansing of filthy or verminous premises.

[<sup>F1</sup>(1) Where a local authority, upon consideration of a report from any of their officers, or other information in their possession, are satisfied that any premises—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health, or
- (b) are verminous,

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them, and the notice may require among other things the removal of wallpaper or other covering of the walls, or, in the case of verminous premises, the taking of such steps as may be necessary for destroying or removing vermin.

(1A) A notice under the foregoing subsection may require—

- (a) the interior surface of premises used for human habitation or as shops or offices to be papered, painted or distempered, and
- (b) the interior surface of any other premises to be painted, distempered or whitewashed,

and shall allow the person on whom the notice is served, or the local authority acting in his default, to choose, in a case under paragraph (a) of this subsection, between papering, painting and distempering and, in a case under paragraph (b) of this subsection, between painting, distempering and whitewashing.]

(2) If a person on whom a notice under this section is served fails to comply with the requirements thereof, the authority may themselves carry out the requirements and recover from him the expenses reasonably incurred by them in so doing, and, without

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prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding [<sup>F2</sup>level 1 on the standard scale] and to a further fine not exceeding [<sup>F3</sup>£2] for each day on which the offence continues after conviction therefor:  
Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises.

- (3) Where a local authority take action under paragraph (b) of subsection (1) of this section, their notice may require that they shall be allowed to employ gas for the purpose of destroying vermin on the premises, but in that case the notice shall be served both on the owner and on the occupier of the premises, and the authority shall bear the cost of their operations and may provide temporary shelter or house accommodation for any person compelled to leave the premises by reason of their operations.

[<sup>F4</sup> (4) This section shall not apply to any premises forming part of a factory or of a mine or quarry within the meaning of the <sup>M1</sup> Mines and Quarries Act 1954. ]

#### Textual Amendments

- F1** S. 83(1)(1A) substituted for s. 83(1) by [Public Health Act 1961 \(c. 64\), s. 35\(2\)](#) with saving for notices given under s. 83 before 3.10.1961
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F3** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F4** S. 83(4) added by [Public Health Act 1961 \(c. 64\), s. 35\(3\)](#) with saving for notices given under s. 83 before 3.10.1961

#### Modifications etc. (not altering text)

- C1** S. 83 amended by [Public Health Act 1961 \(c. 64\), s. 36](#)
- C2** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\), s. 68\(1\)\(a\)](#)
- C3** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773, art. 8, Sch.2.](#)
- C4** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913, art. 8, Sch.2.](#)
- C5** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\), arts. 1, 4, Sch.](#)
- C6** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\), arts. 1\(1\), 4, Sch.](#)
- C7** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\), arts. 1\(1\), 4, Sch.](#)
- C8** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\), arts. 1\(1\), 4, Sch.](#)
- C9** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\), arts. 1\(1\), 4, Sch. \(with art. 2\)](#)
- C10** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\), arts. 1\(1\), 9, Sch. 2](#)
- C11** Ss. 83-86 functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\), arts. 1\(1\), 9, Sch. 2](#)
- C12** Ss. 83-86 functions transferred and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\), arts. 1\(1\), 9, Sch. 2 \(with art. 9\(3\)\)](#)

#### Marginal Citations

- M1** 1954 c. 70.

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## 84 Cleansing or destruction of filthy or verminous articles.

Where it appears to a local authority upon a certificate of [<sup>F5</sup>the proper officer of the authority] that any article in any premises—

- (a) is in so filthy a condition as to render its cleansing, purification or destruction necessary in order to prevent injury, or danger of injury, to the health of any person in the premises; or
- (b) is verminous, or by reason of its having been used by, or having been in contact with, any verminous person is likely to be verminous,

the local authority shall cause that article to be cleansed, purified, disinfected or destroyed, as the case may require, at their expense and, if necessary for that purpose, to be removed from the premises.

### Textual Amendments

**F5** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 Pt. I para. 4\(1\)\(a\)](#)

### Modifications etc. (not altering text)

- C5** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), [arts. 1, 4](#), [Sch.](#)
- C6** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), [arts. 1\(1\), 4](#), [Sch.](#)
- C7** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), [arts. 1\(1\), 4](#), [Sch.](#)
- C8** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), [arts. 1\(1\), 4](#), [Sch.](#)
- C9** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), [arts. 1\(1\), 4](#), [Sch.](#) (with art. 2)
- C10** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), [arts. 1\(1\), 9](#), [Sch. 2](#)
- C11** Ss. 83-86 functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), [arts. 1\(1\), 9](#), [Sch. 2](#)
- C12** Ss. 83-86 functions transferred and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), [arts. 1\(1\), 9](#), [Sch. 2](#) (with art. 9(3))
- C13** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 68\(1\)\(a\)](#)
- C14** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773](#), [art. 8](#), [Sch.2](#).
- C15** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913](#), [art. 8](#), [Sch.2](#).

## 85 Cleansing of verminous persons and their clothing.

- (1) Upon the application of any person, a county council or a local authority may take such measures as are, in their opinion, necessary to free him and his clothing from vermin.
- (2) Where it appears to a county council or a local authority, upon a report from [<sup>F6</sup>the proper officer of the authority], that any person, or the clothing of any person, is verminous, then, if that person consents to be removed to a cleansing station, they may cause him to be removed to such a station, and, if he does not so consent, they may apply to a court of summary jurisdiction, and the court, if satisfied that it is necessary that he or his clothing should be cleansed, may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.

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- (3) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection, the county council or local authority shall take such measures as may, in their opinion, be necessary to free him and his clothing from vermin.
- (4) The cleansing of females under this section shall be carried out only by a registered medical practitioner, or by a woman duly authorised by the [<sup>F6</sup>proper officer of the authority].
- (5) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen years, be given on his behalf by his parent or guardian.
- (6) No charge shall be made in respect of the cleansing of a person or his clothing, or in respect of his removal to, or maintenance in, a cleansing station under this section.
- (7) The powers conferred on a county council or local authority by this section shall be in addition to, and not in derogation of, any power in relation to the cleansing of children which may be exercisable by them [<sup>F7</sup>under Chapter 2 of Part 9 of the Education Act 1996].

#### Textual Amendments

- F6** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 Pt. I para. 4\(1\)\(a\)](#)
- F7** Words in [s. 85\(7\)](#) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 18](#)

#### Modifications etc. (not altering text)

- C5** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, [Sch.](#)
- C6** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, [Sch.](#)
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- C12** Ss. 83-86 functions transferred and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, [Sch. 2](#) (with art. 9(3))
- C16** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, [Sch.2](#).
- C17** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, [Sch.2](#).
- C18** "Authority" where substituted in [s. 85\(2\)\(4\)](#) includes County Council: [Local Government Act 1972 \(c. 70\)](#), [s. 270\(1\)](#)

## 86 Provision of cleansing stations.

A county council or local authority may provide such cleansing stations as may be necessary for the discharge of their functions under any of the three last preceding sections.

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- C5** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C6** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C7** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C8** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C9** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C10** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
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- C19** Ss. 83-86 modified (7.8.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C20** Ss. 83-86 modified (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

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