



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART II

### SANITATION AND BUILDINGS

*Removal of refuse, scavenging, keeping of animals, &c.*

72— ..... F1  
76.

#### Textual Amendments

F1 Ss. 72–76 repealed by [Control of Pollution Act 1974 \(c. 40, SIF 46:4\)](#), s. 109(2), [Sch. 4](#)

77 ..... F2

#### Textual Amendments

F2 [S. 77](#) repealed by [Control of Pollution Act 1974 \(c. 40\)](#), [Sch. 4](#)

#### 78 Scavenging of common courts and passages.

- (1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a highway repairable by the inhabitants at large, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the local authority, the authority may cause it to be swept and cleansed.
- (2) The local authority may recover any expenses reasonably incurred by them under this section from the occupiers of the buildings which front or abut on the court or yard,

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*Changes to legislation:* There are currently no known outstanding effects for the Public Health Act 1936,  
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or to which the passage affords access, in such proportions as may be determined by the authority, or, in case of dispute, by a court of summary jurisdiction.

**79** [<sup>F3</sup>**Power to require removal of noxious matter by occupier of premises in urban district.**

- (1) If in a borough or [<sup>F4</sup>district,] or in a rural district or contributory place in which section forty-nine of the <sup>M1</sup>Public Health Act 1875, was in force immediately before the commencement of this Act, it appears to the [<sup>F5</sup>proper officer of the authority] that any accumulation of noxious matter ought to be removed, he shall serve notice on the owner thereof, or on the occupier of the premises on which it is found, requiring him to remove it, and, if the notice is not complied with within twenty-four hours after service thereof, the inspector may remove the matter referred to.
- (2) A local authority may recover the expenses of any action reasonably taken by their inspector under the preceding sub-section from the owner or occupier in default.]

**Textual Amendments**

- F3** S. 79 repealed (*prosp.*) by [Control of Pollution Act 1974 \(c. 40\)](#), ss. 108, 109(2), [Sch. 4](#)
- F4** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 179\(3\)](#)
- 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)**

- C1** S. 79 amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, [Sch. 1 Pt. I para. 3](#); applied by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 para. 4](#)  
S. 79 amended (temp.) (27.8.1993) by 1993 c. 12, ss. 40, 49(2), 51(2), [Sch. 3 Pt. I para. 1](#), [Sch. 5 Pt. II para. 9\(3\)](#)
- C2** S. 79 modified by SI 2010/675 Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), [Sch. 1](#))
- C3** S. 79 modified (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), [Sch. 23 paras. 1\(3\)](#), [2 Table 9 \(with regs. 1\(3\), 77-79, Sch. 4\)](#)

**Marginal Citations**

- M1** 1875 c. 55.

**80** [<sup>F6</sup>**Power to require periodical removal of manure, &c. from stables, &c. in urban district.**

- (1) In a borough or [<sup>F7</sup>district,] and in a rural district or contributory place in which section fifty of the <sup>M2</sup>Public Health Act 1875 was in force immediately before the commencement of this Act, the local authority may by public or other notice require the periodical removal, at such intervals as may be specified in the notice, of manure or refuse from mews, stables or other premises.
- (2) If a person on whom a notice has been served under this section fails to comply therewith, he shall be liable to a fine not exceeding [<sup>F8</sup>level 1 on the standard scale.]

**Textual Amendments**

- F6** S. 80 repealed (*prosp.*) by [Control of Pollution Act 1974 \(c. 70\)](#), s. 109(2), [Sch. 4](#)

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Removal of refuse, scavenging, keeping of animals, &c.. (See end of Document for details)*

- F7** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 179\(3\)](#)  
**F8** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

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

- C4** [S. 80](#) applied by [Local Government Act 1972 \(c. 70\), Sch. 14 para. 4](#)

**Marginal Citations**

- M2** [1875 c. 55.](#)

**81 Byelaws for the prevention of certain nuisances.**

A local authority may make byelaws for preventing—

- (a) the occurrence of nuisances from snow, filth, dust, ashes and rubbish;
- (b) the keeping of animals so as to be prejudicial to health.

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

- C5** [S. 81](#) amended by [Radioactive Substances Act 1960 \(c. 34\), s. 9, Sch. 1 Pt. I para. 3](#); extended (Greater London) by [London Government Act 1963 \(c. 33\), Sch. 11 Pt. I para. 17](#)  
[S. 81](#) amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\), Sch. 3 Pt. I para.1](#)
- C6** [S. 81](#) modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\), arts. 1\(1\), 4, Sch.](#)
- C7** [S. 81](#) modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\), arts. 1\(1\), 9, Sch. 2](#)
- C8** [S. 81](#) modified by [S.I. 2010/675, Sch. 23 Pt. 8 para. 3 Table 9](#) (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\), reg. 1\(b\), Sch. 1](#))
- C9** [S. 81](#) 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](#)
- C10** [S. 81](#) modified (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\), reg. 1\(1\), Sch. 23 paras. 1\(3\), 2 Table 9](#) (with [regs. 1\(3\), 77-79, Sch. 4](#))
- C11** [S. 81](#) 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\(3\)](#))

**82 Byelaws as to removal through streets of offensive matter or liquid.**

(1) A local authority may make byelaws—

- (a) prescribing the times for the removal, or carriage through the streets, of any faecal or offensive or noxious matter or liquid, whether that matter or liquid is in course of removal or carriage from within, or from without, or through, their district;
- (b) requiring that the receptacle or vehicle used for the removal or carriage of any such matter or liquid shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;
- (c) requiring the cleansing of any place whereon any such matter or liquid has been dropped or split in the course of removal or carriage.

(2) If and so far as a byelaw made under the preceding sub-section is inconsistent with [F<sup>9</sup>an order under section [F<sup>10</sup>6 of the M<sup>3</sup>Road Traffic Regulation Act 1967] the order shall prevail].

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### Textual Amendments

- F9** Words substituted by [London Government Act 1963 \(c. 33\)](#), **Sch. 11 Pt. I para. 18(2)**  
**F10** Words substituted by virtue of [Road Traffic Regulations Act 1967 \(c. 76\)](#), **Sch. 8 para. 2**

### Modifications etc. (not altering text)

- C12** S. 82 amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, **Sch. 1 Pt. I para. 3**; extended (Greater London) by [London Government Act 1963 \(c. 33\)](#), **Sch. 11 Pt. I para. 18(1)**  
S. 82 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. I para. 1**
- C13** S. 82 modified (7.8.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C14** S. 82 modified (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**.
- C15** S. 82 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C16** S. 82 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C17** S. 82 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C18** S. 82 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)
- C19** S. 82 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C20** S. 82 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C21** S. 82 modified by SI 2010/675 Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), **Sch. 1**)
- C22** S. 82 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**
- C23** S. 82 modified (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), Sch. 23 paras. 1(3), 2 Table 9 (with regs. 1(3), 77-79, Sch. 4)
- C24** S. 82 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

- M3** 1967 c. 76.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Removal of refuse, scavenging, keeping of animals, &c..