



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART XI

### MISCELLANEOUS

*Tents, vans, sheds, &c.*

#### **268 Nuisances arising from, and byelaws and other matters relating to, tents, vans, &c.**

- (1) The provisions of [<sup>F1</sup>Part III of the Environmental Protection Act 1990 and Parts] . . .<sup>F2</sup>, VII and XII of this Act, and the provisions of Part II relating to filthy or verminous premises or articles and verminous persons, shall apply in relation to tents, vans, sheds and similar structures used for human habitation as they apply in relation to other premises and as if a tent, van, shed or similar structure used for human habitation were a house or a building so used.
- (2) For the purposes of [<sup>F3</sup>Part III of the Environmental Protection Act 1990] a tent, van, shed or similar structure used for human habitation—
  - (a) which is in such a state, or so overcrowded, as to be prejudicial to the health of the inmates; or
  - (b) the use of which, by reason of the absence of proper sanitary accommodation or otherwise, gives rise, whether on the site or on other land, to a nuisance or to conditions prejudicial to health,shall be a statutory nuisance, and the expression “occupier” in relation to a tent, van, shed or similar structure shall include any person for the time being in charge thereof.
- (3) Where such a nuisance as is mentioned in paragraph (b) of the preceding subsection is alleged to arise, wholly or in part, from the use for human habitation of any tent, van, shed or similar structure, then, without prejudice to the liability of the occupants or other users thereof, an abatement notice may be served on, and proceedings under [<sup>F4</sup>Part III of the Environmental Protection Act 1990] may be taken against, the occupier of the land on which the tent, van, shed, or other structure is erected or stationed:

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*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 268. (See end of Document for details)*

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Provided that it shall be a defence for him to prove that he did not authorise the tent, van, shed or other structure to be stationed or erected on the land.

- (4) A local authority may make byelaws for promoting cleanliness in, and the habitable conditions of, tents, vans, sheds and similar structures used for human habitation, . . .<sup>F5</sup> and generally for the prevention of nuisances in connection therewith.
- (5) The powers of a court before which proceedings are brought—
- (a) in respect of a statutory nuisance caused by, or arising in connection with, a tent, van, shed or similar structure used for human habitation; or
  - (b) in respect of any contravention of byelaws made under this section,
- shall include power to make an order prohibiting the use for human habitation of the tent, van, shed or other structure in question at such places, or within such area, as may be specified in the order.

#### Textual Amendments

- F1** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15**, para. 4(4)(a)
- F2** Word repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**
- F3** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 4(4)(b)**
- F4** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 4(4)(c)**
- F5** Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

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

- C1** S. 268(3) extended by [Public Health \(Recurring Nuisances\) Act 1969 \(c. 25\)](#), s. 4(5)
- C2** S. 268(4) modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.
- C3** S. 268(4) 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**
- C4** S. 268(4) 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**

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1936, Section 268.