



# Prevention of Damage by Pests Act 1949

1949 CHAPTER 55 12 13 and 14 Geo 6

## PART I

### RATS AND MICE

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

C1 Pt. I (ss. 1–12) power to apply conferred (E.W.) by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 68(1)(d)

#### 1 Local authorities for the purposes of Part I.

- (1) The local authorities for the purposes of this Part of this Act in England and Wales shall be the Common Council of the City of London and the councils of [<sup>F1</sup>London boroughs] . . . <sup>F2</sup> and county districts:  
Provided that—
- (a) the local authority for any port health district, whether constituted before or after the commencement of this Act, shall be the port health authority; and
  - (b) in relation to sewers vested in the council of any county [<sup>F3</sup>or in the Greater London Council] the functions of the local authority under this Part of this Act shall be exercisable by that council and not by any other authority.
- (2) The local authorities for the purposes of this Part of this Act in Scotland shall be the [<sup>F4</sup> councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).]
- (3) Section six of the <sup>M1</sup>Public Health Act 1936 (which provides for the constitution of united districts for any of the purposes of that Act) shall have effect as if the purposes of this Part of this Act were purposes of that Act.

#### Textual Amendments

F1 Words substituted by [London Government Act 1963 \(c. 33\)](#), [Sch. 17 para. 10](#)

F2 Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

*Changes to legislation: There are currently no known outstanding effects for the Prevention of Damage by Pests Act 1949, Part I. (See end of Document for details)*

- F3** Words inserted by [London Government Act 1963 \(c. 33\), Sch. 17 para. 10](#)
- F4** Words in s. 1(2) substituted (26.1.2009) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\), s. 128\(2\), Sch. 2 para. 3](#) (with s. 127); S.S.I. 2009/9, Sch. 1

#### Marginal Citations

- M1** [1936 c. 49.](#)

## 2 Duties of local authorities.

- (1) It shall be the duty of every local authority to take such steps as may be necessary to secure so far as practicable that their district is kept free from rats and mice, and in particular—
- (a) from time to time to carry out such inspections as may be necessary for the purpose aforesaid;
  - (b) to destroy rats and mice on land of which they are the occupier and otherwise to keep such land so far as practicable free from rats and mice;
  - (c) to enforce the duties of owners and occupiers of land under the following provisions of this Part of this Act, and to carry out such operations as are authorised by those provisions.
- (2) ..... <sup>F5</sup>

#### Textual Amendments

- F5** [S. 2\(2\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. I](#)

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

- C2** [S. 2](#) excluded by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 1\(1\), Sch. 1 para. 1](#)

## 3 Obligation of occupiers of land to notify local authority of rats and mice.

- (1) Subject to the provisions of this section, the occupier of any land shall give to the local authority forthwith notice in writing if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers.
- (2) The foregoing subsection shall not apply to agricultural land, <sup>F6</sup>...
- (3) A person shall not be required to give notice under this section to the local authority of any matters of which notice is given to the Minister in pursuance of Part II of this Act.
- (4) Any person who fails to give a notice which he is required to give under this section shall be liable on summary conviction to a fine not exceeding [<sup>F7</sup>level 1 on the standard scale].

#### Textual Amendments

- F6** Words in [s. 3\(2\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 13](#)
- F7** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

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#### 4 Power of local authority to require action.

- (1) If in the case of any land it appears to the local authority, whether in consequence of a notice given in respect of the land under the last foregoing section or otherwise, that steps should be taken for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice, they may serve on the owner or occupier of the land a notice requiring him to take, within such reasonable period as may be specified in the notice, such reasonable steps for the purpose aforesaid as may be so specified; and where the owner of any land is not also the occupier thereof separate notices may be served under this section on the owner and on the occupier.
- (2) Any such notice may in particular require—
- (a) the application to the land of any form of treatment specified in the notice;
  - (b) the carrying out on the land of any structural repairs or other works so specified,
- and may prescribe the times at which any treatment required by the notice is to be carried out.
- (3) ..... <sup>F8</sup>
- (4) If on a complaint made by the owner of any land it appears to a court of summary jurisdiction that the occupier of the land prevents the owner from carrying out any work which he is required to carry out by a notice under this section, the court may order the occupier to permit the carrying out of the work.
- (5) Subsections (3) to (5) of section two hundred and ninety of the <sup>M2</sup>Public Health Act 1936 (which provide for an appeal to a court of summary jurisdiction against certain notices requiring the execution of works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as they apply to any such notice as is mentioned in subsection (1) of that section; and sections three hundred to three hundred and two of that Act (which contain supplementary provisions relating to such appeals) shall have effect accordingly.
- (6) In the application of this section to Scotland—
- (a) ... <sup>F9</sup>
  - (b) for references to a complaint and to a court of summary jurisdiction there shall be substituted references to an application and to the sheriff;
  - (c) for subsection (5) there shall be substituted the following subsection—  
“(5) [<sup>F10</sup>Section 27 of the Housing (Scotland) Act 1969] (which provides for an appeal to the sheriff against certain notices requiring the execution of works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as it applies to any such notice as is mentioned in paragraph (a) of subsection (1) of that section.”

#### Textual Amendments

- F8** S. 4(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)
- F9** S. 4(6)(a) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)
- F10** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 17\(2\)\(a\)](#)

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

- C3** S. 4 modified (E.) (6.4.2010) by [Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), art. 1(1), [Sch.](#)
- C4** S. 4 modified (E.) (6.4.2010) by [Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), art. 1(1), [Sch.](#)

#### Marginal Citations

- M2** [1936 c. 49](#).

### 5 Remedies for failure to comply with notice under s. 4.

- (1) Subject to the provisions of the last foregoing section with respect to appeals, if any person on whom a notice is served by the local authority under that section fails to take any steps required by the notice at the time or within the period prescribed by the notice, the local authority may themselves take those steps and recover from him any expenses reasonably incurred by them in doing so.
- (2) Without prejudice to the provisions of subsection (1) of this section, but subject to the provisions of the last foregoing section with respect to appeals, a person who fails to take any steps as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding in the case of a first offence [<sup>F11</sup>fifty pounds][<sup>F11</sup>level 3 on the standard scale], and in the case of a second or any subsequent offence [<sup>F12</sup>one hundred pounds][<sup>F12</sup>level 3 on the standard scale].

#### Textual Amendments

- F11** “level 3 on the standard scale” substituted (S.) for “fifty pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)
- F12** “level 3 on the standard scale” substituted (S.) for “one hundred pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)

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

- C5** [S. 5\(2\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

### 6 Additional powers of local authorities in relation to groups of premises.

- (1) If it appears to the local authority that rats or mice are found in substantial numbers on any land comprising premises in the occupation of different persons and that it is expedient to deal with the land as one unit for the purpose of destroying rats or mice or keeping the land so far as practicable free from rats and mice, they may, without serving notices under section four of this Act on the occupiers or owners of those premises, themselves take in relation to the land such steps as they consider necessary or expedient for the purpose aforesaid:  
Provided that the steps taken by the local authority under this section shall not exclude the carrying out of any structural work.
- (2) Without prejudice to the provisions of section twenty-two of this Act requiring notice to be given before entry upon land under that section, a local authority shall, before taking any steps under this section in relation to any premises, give to the occupier

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at least seven days' notice of their intention to do so, specifying the steps proposed to be taken.

- (3) Any expenses reasonable incurred by a local authority in taking steps under this section in relation to any land may be recovered by that authority from the several occupiers of the premises comprised in that land in such proportion as may be just having regard to the cost of the work done on the several premises.
- (4) For the purposes of this section, any premises which are unoccupied shall be deemed to be in the occupation of the owner, and references in this section to the occupier shall be construed accordingly.

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

- C6** S. 6 modified (E.) (6.4.2010) by [Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), art. 1(1), [Sch.](#)
- C7** S. 6 modified (E.) (6.4.2010) by [Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), art. 1(1), [Sch.](#)

## 7 Recovery of expenses under s. 5 or s. 6.

- (1) Any expenses recoverable by a local authority under section five or section six of this Act may be recovered as a simple contract debt in any court of competent jurisdiction.
- (2) Sections two hundred and ninety-one, . . . <sup>F13</sup> and two hundred and ninety-four of the <sup>M3</sup>Public Health Act 1936 (which provide respectively for charging on the premises expenses recoverable under that Act from the owner, . . . <sup>F13</sup> and for limiting the liability for expenses recoverable under that Act of owners receiving rent as agent or trustee) shall so far as applicable apply to expenses recoverable by a local authority under section five or section six of this Act as they apply to expenses recoverable under that Act by a local authority within the meaning of that Act.
- (3) In proceedings under this section by a local authority for the recovery of any expenses incurred by them under section five of this Act, it shall not be open to the defendant to raise by way of defence any question which he could have raised on an appeal under section four of this Act.
- (4) In the application of this section to Scotland, for subsection (2) there shall be substituted the following subsection—
 

“(2) Sections [<sup>F14</sup>65 to 67 of the Water (Scotland) Act 1980] shall, so far as applicable, apply to expenses recoverable by a local authority under section five or section six of this Act as they apply to expenses recoverable under that Act by [<sup>F14</sup>an islands or district council] within the meaning of that Act.”

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**Textual Amendments**

- F13** Words repealed by [Local Government Act 1974 \(c. 7\)](#), [Sch. 8](#)
- F14** Words substituted by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112, [Sch. 10](#)

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**Marginal Citations**

- M3** [1936 c. 49](#).

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## **F15 8 Provisions as to threshing and dismantling of ricks.**

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### **Textual Amendments**

**F15** S. 8 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

## **9 Power of local authority to require information as to interests in land.**

- (1) A local authority may, for the purpose of enabling them to perform any of their functions under this Part of this Act, require the occupier of any land, and any person who directly or indirectly receives rent in respect of any land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, lessee, mortgagee or otherwise.
- (2) Any person who, having been required by a local authority under this section to give them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.
- (3) In the application of this section to Scotland for the words from “freeholder” to the end of subsection (1) there shall be substituted “superior, owner, heritable creditor, lessee or otherwise”; and the expression “heritable creditor” shall have the like meaning as in the <sup>M4</sup>Town and Country Planning (Scotland) Act 1947.

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

**C8** S. 9 repealed (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

### **Marginal Citations**

**M4** 1947 c. 53.

## **10 Authentication of documents, service of notices, etc.**

- (1) Sections two hundred and eighty-four to two hundred and eighty-six of the <sup>M5</sup>Public Health Act 1936 (which relate to the authentication of documents, the service of notices and the proof of proceedings of local authorities) shall apply to documents, notices and proceedings of local authorities in England and Wales under this Part of this Act (whether or not they are local authorities within the meaning of that Act) as they apply to documents, notices and proceedings of local authorities under that Act.
- (2) [<sup>F16</sup>Sections 192 and 193 of, and paragraph 7(1) of Schedule 7 to, the <sup>M6</sup>Local Government (Scotland) Act 1973] (which relate to the authentication of documents, the service of notices and evidence of proceedings of local authorities) shall apply to documents, notices and proceedings of a local authority in Scotland under this Part of this Act (whether or not being a local authority within the meaning of that Act) as they apply to documents, notices and proceedings of a local authority under that Act.

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### Textual Amendments

**F16** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 237\(2\)](#)

### Modifications etc. (not altering text)

**C9** Reference in s. 10(1) to [Public Health Act 1936 \(c. 49\), s. 286](#) to be construed as reference to [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 41](#); [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

### Marginal Citations

**M5** [1936 c. 49.](#)

**M6** [1973 c. 65.](#)

**11** ..... **F17**

### Textual Amendments

**F17** [S. 11](#) repealed by (E.W.) [Local Government Act 1958 \(c. 55\), Sch. 9 Pt. II](#) and (S.) [Local Government and Miscellaneous Financial Provisions \(Scotland\) Act 1958 \(c. 64\), Sch. 6 Pt. III](#)

## **12 Powers of Minister with respect to functions of local authorities.**

(1) ..... **F18**

(2) Where the Minister is satisfied, on complaint or otherwise, that any of the functions of a local authority under this Part of this Act are not being satisfactorily performed by the authority, he may by order empower any person named in the order to exercise those functions on behalf of the authority.

(3) Before making an order under this section, the Minister shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of [<sup>F19</sup>subsections (3) to (5) of section 250 of the <sup>M7</sup>Local Government Act 1972] (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.

(4) Any expenses incurred under this section by a person named in an order made by the Minister thereunder shall on demand be paid to the Minister by the local authority.

(5) An order under this section may be varied or revoked by a subsequent order.

(6) In the application of this section to Scotland, for subsection (3) there shall be substituted the following subsection:—

“(3) Before making an order under this section, the Secretary of State shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of [<sup>F20</sup>subsection (3) to (8) of section 210 of the Local Government (Scotland)

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Act 1973] (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall apply to any such inquiry.”

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**Textual Amendments**

- F18** S. 12(1) repealed by [Local Government, Planning and Land Act 1980](#) (c. 65, SIF 81:1, 2), ss. 1(1), 194, Sch. 1, **Sch. 34 Pt. I**
- F19** Words substituted by virtue of [Local Government Act 1972](#) (c. 70) s. 272(2)
- F20** Words substituted by virtue of [Local Government \(Scotland\) Act 1973](#) (c. 65), **s. 237(2)**

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

- C10** S. 12 excluded by [Local Government, Planning and Land Act 1980](#) (c. 65, SIF 81:1, 2), s. 1(1), **Sch. 1**

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**Marginal Citations**

- M7** 1972 c. 70.



**Changes to legislation:**

There are currently no known outstanding effects for the Prevention of Damage by Pests Act 1949, Part I.