



Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

PART VII

LEGAL PROCEEDINGS

Prosecution of Offences and Recovery of Penalties, &c.

^{F1}251 Summary proceedings for offences, penalties, &c.

All offences under this Act, and all penalties forfeitures costs and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. ^{F2} . . .

Textual Amendments

F1 S. 251 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F2 Words in s. 251 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Group 1.

Modifications etc. (not altering text)

C1 S. 251 applied by S.I. 1986/567, **art. 4** Table

252 ^{F3}

Textual Amendments

F3 S. 252 repealed by Summary Jurisdiction Act 1884 (c. 43), **Sch.**

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875,
Cross Heading: Prosecution of Offences and Recovery of Penalties, &c.. (See end of Document for details)*

253 F4

Textual Amendments
F4 S. 253 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

254 F5

Textual Amendments
F5 S. 254 repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. III](#)

255 F6

Textual Amendments
F6 S. 255 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

256, F7
257.

Textual Amendments
F7 Ss. 256, 257 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

^{F8}258 **Justices may act though members of local authority or liable to contribute.**

No justice of the peace shall be deemed incapable of acting in cases arising under this Act . . . ^{F9} by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund, out of which any expenses incurred by such authority are under this Act to be defrayed.

Textual Amendments
F8 S. 258 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith
F9 Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. I](#)

259, F10
260.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875, Cross Heading: Prosecution of Offences and Recovery of Penalties, &c.. (See end of Document for details)

Textual Amendments

F10 Ss.259, 260 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

F11 **261**

Textual Amendments

F11 [S. 261](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X Group1](#).

262 **F12**

Textual Amendments

F12 Commentary Missing

263 **F13**

Textual Amendments

F13 [S. 263](#) repealed by [Perjury Act 1911 \(c. 6\)](#), [Sch.](#)

264 **F14**

Textual Amendments

F14 [S. 264](#) repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), [Sch.](#)

265 **Protection of local authority and their officers from personal liability.**

No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever; and any expense incurred by any such authority member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

F15 ...

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Textual Amendments

- F15** Words in s. 265 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 1](#); S.I. 2015/841, [art. 3\(x\)](#)

Modifications etc. (not altering text)

- C2** S. 265 extended by [Public Health Act 1936 \(c. 49\)](#), [s. 305](#), [Control of Pollution Act 1974 \(c. 40\)](#), [s. 86\(1\)](#), [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [s. 39](#) and [National Health Service Act 1977 \(c. 49\)](#), [s. 125](#)
- C3** S. 265 extended (with modifications) by 1995 c. 25, ss. 63(5), 125(2), [Sch. 7 para. 15](#) (with ss. 7(6), 115, 117)
- C4** S. 265 applied (with modifications) (22.7.2004) by [Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [19](#)
- C5** S. 265 applied (with modifications) (22.7.2004) by [Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 1, [19](#)
- C6** S. 265 modified (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [ss. 69](#), 277(1)
- C7** S. 265 modified (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 273](#), 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- C8** S. 265 modified (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 246](#), 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- C9** S. 265 modified (1.1.2015) by [Care Act 2014 \(c. 23\)](#), s. 127, [Sch. 7 para. 18\(7\)\(8\)](#); S.I. 2014/2473, [art. 5\(m\)](#)
- C10** S. 265 modified (1.4.2015) by [Care Act 2014 \(c. 23\)](#), s. 127, [Sch. 5 para. 24\(1\)\(2\)](#); S.I. 2014/3186, [art. 2\(f\)](#)
- C11** S. 265 modified (1.10.2023) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 13 para. 17](#); S.I. 2023/1035, [reg. 2\(c\)](#)

Changes to legislation:

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