

## SCHEDULES

### SCHEDULE 11

Section 40.

#### MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF PROVISIONS OF PUBLIC HEALTH ACTS

#### PART I

#### MODIFICATIONS

##### *GENERAL MODIFICATIONS*

- 1 Subject to the provisions of this Schedule, any reference in the enactments to which section 40 of this Act applies to the council of a county borough shall be construed as including a reference to the council of a London borough, the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.
- 2 Subject as aforesaid, and without prejudice to the foregoing paragraph, any reference in the said enactments to the district of a local authority or urban authority shall be construed as including a reference to a London borough, the City, the Inner Temple and the Middle Temple and any reference to a borough or urban district shall be construed as including a reference to the City, the Inner Temple and the Middle Temple.

##### *THE PUBLIC HEALTH ACT 1875*

- 3 Sections 160 and 171 shall not apply to Greater London.
- 4 Any reference in section 161 to an urban authority shall, in relation to a metropolitan road, be construed as a reference to the Greater London Council alone.
- 5 The paragraph in Part III of Schedule 5 relating to vaults and graves in churches and other places of public worship shall not apply to the inner London boroughs, the City or the Temples.

##### *THE PUBLIC HEALTH ACTS AMENDMENT ACT 1890*

- 6 At the end of section 2 (2) there shall be added the words " other than a district in Greater London, and any provision of Part III which may be adopted by a local authority in England and Wales shall extend to Greater London without being adopted there, but Part IV shall not extend to, and may not be adopted in, Greater London " , and section 3 shall not apply to Greater London.

*THE PUBLIC HEALTH ACTS AMENDMENT ACT 1907*

7 At the end of section 2 (2) there shall be added the words " other than a district in Greater London and such of those Parts or sections as may be so applied to a district in England and Wales shall extend to Greater London without being so applied " , and section 3 shall not apply to Greater London.

8 Sections 21 and 80 and so much of section 81 as relates to the Town Police Clauses Act 1847 shall not apply to Greater London.

*THE PUBLIC HEALTH ACT 1925*

9 Notwithstanding anything in section 2 (2) or 3, sections 14, 16 and 26 shall extend to Greater London without being adopted there and sections 17 to 19 shall not extend to, and may not be adopted in, Greater London, and accordingly the said sections 2 (2) and 3 shall not apply to Greater London.

10 Section 76 shall not apply to Greater London.

*THE PUBLIC HEALTH ACT 1936*

11 Subject to the provisions of the Public Health Act 1936, section 41 of this Act and this Schedule, in any district in Greater London the duty imposed by section 1 (1) of carrying the said Act of 1936 into execution shall, so far as relating to the enactments to which section 40 of this Act applies, be the duty of the local authority for that district.

12 Sections 43, 53 to 55, and 57 to 71 shall not apply to an inner London borough, the City or the Temples.

13 Section 51 shall in its application to Greater London have effect as if any reference to a water closet included a reference to a urinal and as if that section required the occupier of every building in or in connection with which a urinal is provided to cause the urinal to be supplied with flushing apparatus.

14 (1) It shall be the duty of a local authority in Greater London other than the outer London boroughs to perform the following services throughout their district:—

- (a) the services mentioned in section 72 (1);
- (b) the removal under section 73 (1) of trade refuse of any kind whatsoever at the request of the occupier of premises ; and
- (c) the cleansing of streets under section 77 (1);

and every such authority shall be treated for the purposes of sections 72 to 77 as having undertaken the performance throughout their district of the said services, but shall not be entitled to rescind the undertaking.

(2) Section 72 (2) shall not apply in relation to the removal of house refuse in Greater London other than the outer London boroughs, but the following provisions shall have effect therein instead:—

- (a) the local authority shall appoint, and give sufficient notice of, the times for removing house refuse from premises within their district;
- (b) where house refuse is not removed from any premises at the time appointed for those premises, the occupier of the premises may serve on the local authority a notice requiring the authority to remove the refuse ;
- (c) if the local authority fail, without reasonable excuse, to comply with the notice within the period of forty-eight hours beginning with the service

thereof (exclusive of Sundays, Christmas Day, Good Friday, bank holidays and any day appointed for public thanksgiving or mourning), the occupier of the premises may recover summarily as a civil debt from the authority the sum of five shillings for every day during which the default continues after the expiration of that period.

- (3) The council of an outer London borough shall not without the consent of the Greater London Council undertake under section 73 (1) to remove from premises within their district trade refuse of a kind which has not previously (whether before or after 1st April 1965) been removed within any part of that district.
- 15 (1) The powers exercisable by a local authority under sections 74 (2) and 76 (1) shall be exercisable throughout Greater London by the Greater London Council to the exclusion of any other authority, except that the powers conferred by section 76 (1) (c), so far as they relate to the provision of plant or apparatus for sorting and baling waste paper collected separately from other refuse, shall be exercisable concurrently by the authority collecting the paper and the Greater London Council; and—
- (a) any reference to a local authority in the said sections 74 (2) and 76 (1) shall be construed accordingly ; and
  - (b) any reference to a local authority in section 76 (3), so far as that subsection relates to material deposited in a place provided for the deposit of refuse, shall be construed as a reference to the Greater London Council and not to any other authority.
- (2) The places provided by the Greater London Council under section 76 (1) for the deposit of refuse may be either places for the initial deposit by other local authorities in Greater London of refuse removed by those authorities or places for the final deposit of refuse, and the powers of the Greater London Council under that section shall include power—
- (a) to transport refuse from the former land of place to the latter kind or to plant or apparatus provided by the Greater London Council under that section; and
  - (b) to sell any refuse which has been deposited at any such place or delivered to the Council under section 74 (2).
- (3) It shall be the duty of a local authority in Greater London other than the Greater London Council, unless otherwise directed by the Greater London Council, to deposit at the place appointed for the initial deposit thereof all refuse removed by that authority within the district of the authority except any refuse sold by that authority under section 76 (2).
- (4) If a dispute arises between the Greater London Council and any other authority in Greater London as to whether a place provided for the initial deposit of refuse from the district of that other authority is unreasonably far from that district or is unsuitable for that authority's refuse removal vehicles the dispute shall, in default of agreement, be determined by the Minister.
- (5) An order under section 84 of this Act may include provisions for securing that proper arrangements are in force with respect to the removal, treatment and disposal of refuse during the period of two years beginning with 1st April 1965, and sections 74 (2) and 76 of the Public Health Act 1936 and the foregoing provisions of this paragraph shall have effect subject to the provisions of any such order.
- 16 (1) The charge which may be made by a local authority in Greater London under section 75(3) in respect of a dustbin provided by them and having a capacity of more than three and one quarter cubic feet may exceed the limit for the time

being applicable by virtue of section 8(3) of the Local Government (Miscellaneous Provisions) Act 1953, but shall be of such reasonable amount as may be determined by the authority.

- (2) Any charge so made in respect of a dustbin provided by a local authority in Greater London for premises in more than one occupation for rating purposes shall be apportioned by the authority in such proportions as may be just between the parts of the premises separately occupied for those purposes.
- 17 Byelaws made under section 81 with respect to Greater London may include provision for preventing the occurrence of nuisances from ice, salt, offal, carrion, fish or other matter as well as nuisance from the matters therein mentioned.
- 18 (1) Byelaws made under section 82 (1) with respect to Greater London may make the like provision for the removal or carriage by water of faecal or offensive or noxious matter or liquid as may be made with respect to the removal or carriage thereof through the streets and may provide that any receptacle or any ship or other vessel used for the purpose shall be properly constructed and covered so as to prevent the escape of any such matter or liquid and so as to prevent any nuisance arising therefrom.
- (2) In section 82 (2) for the words from " a regulation " onwards there shall be substituted the words " an order under section 34 of the Road Traffic Act 1960 or section 10 (1) of the London Government Act 1963, the order shall prevail ",
- 19 Sections 87 and 88, in their application to Greater London, shall have effect as if references to a county council included references to the Greater London Council.
- 20 For the purposes of section 107 in its application to a London borough, the City or the Temples, the expression " offensive trade " shall include any business declared by an order under section 140 of the Public Health (London) Act 1936 to be an offensive business, being an order in force immediately before 1st April 1965 in some part of that London borough or in the City or the Temples, as the case may be.
- 21 Section 137 shall not apply to an inner London borough, the City or the Temples.
- 22 An order under section 305 of the Public Health (London) Act 1936 in force immediately before 1st April 1965 and applying all or any of the provisions of Part IX of that Act to an infectious disease in any area shall be deemed to be an order which has been made and come into operation under section 147 of the Public Health Act 1936 applying the corresponding provisions of Part V of the latter Act to that disease in the whole of any district of a local authority comprising any part of that area.
- 23 In section 266 (1) (i) the references to a land drainage authority shall include references to the Greater London Council.
- 24 In Part XII—
- (a) any reference to the Public Health Act 1936 shall include a reference to section 41 of this Act and this Schedule ;
  - (b) any reference to a council shall be construed as including a reference to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple, except that any reference in any provision of Part XII to the clerk or any officer or authorised officer of the council shall, in relation to the Inner Temple or the Middle Temple, be construed as a reference to an officer authorised by the Sub-Treasurer or the Under-Treasurer, as the case may be, to act for the purposes of that provision;

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*Status: This is the original version (as it was originally enacted).*

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- (c) any reference to a local authority or the district of a local authority shall, so far as relating to any enactment under which the Greater London Council has functions, be construed as a reference to that Council or Greater London as the case may be.

25 No order shall be made under section 314 after the passing of this Act as respects the port health authority for the Port of London.

#### *THE WATER ACT 1945*

26 Section 39 shall apply throughout Greater London.

27 In section 59 (1)—

- (a) at the end of the definition of "district" there shall be inserted the words " and includes the Inner Temple and the Middle Temple ";
- (b) in the definition of " local authority" after the words " county borough" there shall be inserted the words " London borough " and for the Words " or the council of a metropolitan borough" there shall be substituted the words " the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple "; and
- (c) in the definition of "local enactment" for the word "London" there shall be substituted the words " Greater London and the surrounding area ",

28 In Schedule 1 any reference to the county council shall be construed as including a reference to the Greater London Council.

29 In paragraph 1 (1) of Schedule 3, in the definition of "local authority ", after the words " rural district" there shall be inserted the words " or the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple ",  
and at the end of the definition of " district" there shall be inserted the words " in relation to the Common Council, means the City of London, and includes the Inner Temple and the Middle Temple. "

#### *THE CLEAN AIR ACT 1956*

30 Any reference to building byelaws and building regulations shall, in relation to Greater London other than the outer London boroughs, be construed as a reference to byelaws made by the Greater London Council or the London county council under the London Building Act (Amendment) Act 1935.

31 In section 10 (1), for the words " the administrative county of London " there shall be substituted the words " Greater London or in an outer London borough ".

#### *THE NOISE ABATEMENT ACT, 1960*

32 In section 2 (5) for the words " metropolitan borough " there shall be substituted the words " London borough " and after the word " district" there shall be inserted the words " the Greater London Council ".

*THE PUBLIC HEALTH ACT 1961*

- 33 In section 2 (3) after the word "district" there shall be inserted the words " the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple ",
- 34 Sections 4 to 11 shall not apply to an inner London borough, the City or the Temples.
- 35 In section 20, in its application to Greater London, the reference to a water closet shall include a reference to a urinal.
- 36 Sections 24 to 31 and 33 shall not apply to an inner London borough, the City or the Temples.
- 37 In sections 43 and 44 the references to a local authority shall be construed as including references to the Greater London Council, but as not including references to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.
- 38 Any reference in section 45 to a local authority shall in relation to a metropolitan road be construed as a reference to the Greater London Council alone.
- 39 In section 73, in its application to Greater London, any reference to a local authority shall be construed as a reference to the Greater London Council alone.
- 40 In section 81 after the word " meeting" there shall be inserted the words " or by the Greater London Council ",
- 41 In Schedule 1, in paragraph (a) of the amendment of section 33 of the Civil Defence Act 1939, for the words " outside the administrative county of London" there shall be substituted the words " outside Greater London and in the outer London boroughs ",

**PART II**

PROVISIONS REPRODUCED FROM ENACTMENTS RELATING TO PUBLIC HEALTH IN LONDON

- 1 (1) Without prejudice to sections 259 and 262 of the Public Health Act 1936, but subject to the following provisions of this paragraph, if a local authority consider that in any premises a pond, pool, ditch, gutter or place containing, or used for the collection of, any drainage, filth, stagnant water or other matter is likely to be prejudicial to health or a nuisance, they may by notice require the owner or occupier of the premises to drain, cleanse, cover or fill up the pond, pool, ditch, gutter or place, or to construct a proper drain for the discharge of the matter, or to execute such other works as the circumstances may require.
- (2) The local authority may contribute towards the expenses incurred by any person in complying with a notice under this paragraph.
- (3) Where any works required by a notice under this paragraph interfere with any right to the use of water, the local authority may, with the agreement of the person in whom the right is vested, acquire from him the right and any land for the benefit of which the right enures instead of compensating him under section 278 of the Public Health Act 1936.
- (4) The provisions of Part XII of the Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this paragraph.

- 2 (1) The Greater London Council may make byelaws in relation to the demolition of buildings in the inner London boroughs—
- (a) requiring the fixing of fans at the level of each floor of any such building undergoing demolition ;
  - (b) requiring the hoarding up of windows in any such building from which sashes and glass have been removed;
  - (c) regulating the demolition of internal parts of buildings before any external walls are taken down ;
  - (d) requiring the placing of screens or mats, the use of water or the taking of other precautions to prevent nuisances arising from dust;
  - (e) regulating the hours during which ceilings may be broken down and mortar may be shot, or be allowed to fall, into any lower floor;
  - (f) requiring any person proposing to demolish any such building to give to the borough council such notice of his intention to do so as may be specified in the byelaws.
- (2) Byelaws under this paragraph may make different provision for different cases, and in particular may provide that, in their application to any area specified in the byelaws, the byelaws shall have effect subject to such modifications or exceptions as may be so specified.
- (3) No byelaws under this paragraph shall apply to a building (not being a dwelling-house) belonging to any Board carrying on a railway undertaking and used by that Board as a part of, or in connection with that undertaking.
- 3 The Greater London Council shall make byelaws with respect to sanitary conveniences, ashpits, cesspools and receptacles for dung and their accessories, in connection with buildings in the inner London boroughs and the Temples, whether constructed before or after 1st April 1965.
- 4 The Greater London Council shall make byelaws with respect to the construction and use of incinerators for the disposal of refuse in the inner London boroughs, the City and the Temples, being incinerators which are, or are in the nature of, buildings or structures or which form part of a building or structure.
- 5 It shall be the duty of each local authority to enforce in their district any byelaws under paragraphs 2 to 4 of this Part of this Schedule which are in force in their district
- 6 The council of any London borough and the Common Council may make byelaws with respect to the following operations, except when carried out by a local authority (including the Greater London Council) and except so far as byelaws with respect thereto may be made under section 72 or 82 of the Public Health Act 1936, that is to say—
- (a) the removal of refuse from premises in the council's area ;
  - (b) the conveyance of refuse by rail, road or water from loading points in that area ;
  - (c) the deposit of refuse in premises in that area pending its removal or disposal.
- 7 Any person who has in his possession or under his control any article of food which is unsound, unwholesome or unfit for human consumption may, by notice to the local authority, specifying and identifying the article, request its removal, and the

local authority shall cause it to be removed as if it were trade refuse which they had undertaken to remove under section 73 (1) of the Public Health Act 1936.

8 If the local authority are requested so to do by the occupier of any premises in which there is a person suffering from a notifiable disease, they shall provide for the removal and disinfection or destruction of any rubbish which has been exposed to infection from that disease.

9 (1) Where it appears to a local authority, being the council of a London borough or the Common Council, that any land within the area of the authority is by reason of its derelict, neglected or unsightly condition detrimental to the amenities of the neighbourhood, the authority may, after serving notice of their proposals on the owner and on the occupier of the land and subject to sub-paragraph (3) of this paragraph, execute such works and do such other things as the authority consider expedient for the purpose of restoring or improving and thereafter preserving the appearance of the land:

Provided that the works and other things which may be required to be executed or done under this paragraph shall not include the erection or maintenance of any building or the doing of anything in or upon any building, but may include the erection or maintenance of a hoarding or fence.

(2) Any person served with a notice under the foregoing sub-paragraph may, if aggrieved by the proposal specified in the notice, appeal to a magistrates' court within the period of twenty-eight days beginning with the date of the service of the notice.

(3) A local authority may proceed with the proposals specified in a notice under sub-paragraph (1) of this paragraph if but only if—

- (a) none of the persons on whom the notice was served has, within the said period of twenty-eight days, taken steps to implement the proposals himself or instituted an appeal against the proposals to a magistrates' court; or
- (b) any such steps begun to be taken by any such person within that period are not completed within a reasonable time ; or
- (c) any appeal instituted within that period has been dismissed or abandoned or failed for want of prosecution.

(4) Any expenses incurred by the local authority in removing any materials from any land in exercise of the powers conferred on them by this paragraph and the cost of selling any materials so removed may be deducted by the authority from the proceeds which they are required by section 276 of the Public Health Act 1936 to pay to the person to whom the materials belonged.

(5) The foregoing provisions of this paragraph shall not be construed as prejudicing the powers exercisable by the Greater London Council under section 69 of the London Building Acts (Amendment) Act 1939, or by the council of an outer London borough under section 27 of the Public Health Act 1961, or by the local planning authority under section 89 of the National Parks and Access to the Countryside Act 1949.

10 Without prejudice to paragraph 24 of Part I of this Schedule, expressions used in this Part of this Schedule and the Public Health Act 1936 have the same meanings in this Part of this Schedule as in that Act.