



Public Health Acts Amendment Act 1907

1907 CHAPTER 53

PART III

SANITARY PROVISIONS

34 Extension of section 41 of 38 & 39 Vict. c.55

Section forty-one of the Public Health Act, 1875, shall have effect as if for the words " (but not otherwise) " there were substituted the words " or where on the report in writing of their surveyor or inspector of nuisances the local authority have reason to suspect that any such drain, water-closet, earth-closet, privy, ashpit, or cesspool is a nuisance or injurious to health. "

35 As to nuisances

For the purposes of the Public Health Act, 1875—

- (1) Any cistern used for the supply of water for domestic purposes so placed, constructed, or kept as to render the water therein liable to contamination, causing or likely to cause risk to health ;
- (2) Any gutter, drain, shoot, stack-pipe, or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ; and
- (3) Any deposit of material in or on any building or land, which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious; to health ; shall be deemed to be a nuisance within the meaning of the said Act.

36 Rain-water pipes not to be used as soil pipes

No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or water-closet. Any person

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who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

37 Water or stack pipes not to be used as ventilating shafts

No water-pipe, stack-pipe, or down-spout in existence at the commencement of this section, used for conveying surface water from any premises, shall be used or be permitted to serve or to act as a ventilating shaft to any drain. Any person who shall offend against this section after fourteen days from the service upon him by the local authority of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

38 Local authority may require old drains to be laid open for examination by surveyor before communicating with sewers

Before any drain existing at the commencement of this section and then not communicating with any sewer of the local authority shall be made to communicate with any sewer of the local authority, the local authority may require the same to be laid open for examination by the surveyor, and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer.

39 Provision and conversion of closet accommodation

(1) In this section unless the context otherwise, requires—

The expression " closet accommodation " includes a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected therewith;

The expression " pail closet " means closet accommodation including a moveable receptacle for human excreta ;

The expression " water-closet " means closet accommodation used or adapted or intended to be used in connection with the water carriage system, and comprising provision for the flushing of the receptacle by means of a fresh water supply, and having proper communication with a sewer ;

The expression " slop-closet " means closet accommodation used or adapted or intended to be used in connection with the water carriage system, and comprising provision for the flushing of the receptacle by means of slops or waste liquids of the household or rain water, and having proper communication with a sewer ;

The expression " a sufficient water supply and sewer " means a water supply and a sewer which are sufficient and reasonably available for use in, or in connection with, the efficient hushing and cleansing of, and the efficient removal of excreta from such number of proper and sufficient water-closets and slop-closets, or from such one or more of either class of closet as, in pursuance of this section, may be required to be provided in any particular case.

(2) Within one month after the deposit of any plan by a person intending to erect a new building, the local authority, where there are a sufficient water supply and sewer, may by written notice to that person require the new building to be provided with such number of proper and sufficient waterclosets and slop-closets, or with such one or more of either class of closet as the circumstances of the case may render necessary.

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Any person who fails to comply with any requirement of the local authority under this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

- (3) If, on the report of the medical officer or the surveyor or the inspector of nuisances, the local authority are satisfied that sufficient closet accommodation has not been provided at or in connection with a building and the case is not one in which sufficient closet accommodation can be provided by the alteration of any existing closet accommodation in pursuance of this section, the local authority, where there are a sufficient water supply and sewer, may by written notice to the owner or owners of the building require the building to be provided with such number of proper and sufficient water-closets and slop-closets, or with such one or more of either class of closet as the circumstances of the case may render necessary.

If the owner or owners of the building fail to comply with any requirement of the local authority under this subsection, the local authority may at the expiration of a time which shall be specified in the notice and shall be not less than fourteen days after the service of the notice, do the work required by the notice, and may recover summarily as a civil debt from the owner or owners the expenses incurred by the local authority in so doing.

- (4) The local authority, where there are a sufficient water supply and sewer, may by written notice to the owner or owners of a building require any existing closet accommodation (other than a water-closet or a slop-closet) provided at or in connection with the building to be altered, so as to be converted into a water-closet or slop-closet.

If the owner or owners of the building fail to comply with any requirement of the local authority under this subsection, the local authority may, at the expiration of a time which shall be specified in the notice and shall not be less than fourteen days after the service of the notice, do the work required by the notice.

Where in pursuance of this subsection any work of alteration is done by the local authority in default of the owner or owners in respect of a pail closet, the expenses of the work shall be borne by the local authority, and where in pursuance of this subsection any work of alteration is done by the local authority in default of the owner or owners in respect of any existing closet accommodation other than a pail closet, one half of the expenses of the work shall be borne by the local authority, and the remainder of the said expenses shall be borne by the owner or owners and shall be recoverable summarily as a civil debt.

Every notice in pursuance of this subsection shall state the effect of the subsection.

- (5) Nothing in this section shall have effect with respect to a slop-closet, unless or until the Local Government Board have been satisfied by the local authority, and have by order declared that the circumstances of the district of the local authority are such as to render it necessary or expedient that this section shall have effect with respect to a slop-closet.

Any order in pursuance of this subsection shall be published in such manner as the Local Government Board direct.

40 Payment for works of common benefit. Expenses Private improvement expenses

- (1) Where under section thirty-nine of this Act. the local authority do any work for the common benefit of two or more buildings belonging to different owners, the expenses

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which under that section are recoverable by the local authority from the owners shall be paid by the owners of those buildings in such proportions as shall be determined by the surveyor, or in case of dispute by a petty sessional court.

- (2) Any moneys expended by the local authority for the purposes of section thirty-nine of this Act shall, so far as they are not recoverable from the owner or owners, be part of the expenses of the local authority in the execution of the Public Health Act, 1875.
- (3) The local authority may by order declare any expenses incurred by them under section thirty-nine of this Act, which are recoverable summarily as a civil debt from the owner or owners, to be expenses to which the provisions of section two hundred and fifty-seven of the Public Health Act, 1875, shall apply, and thereupon those provisions shall apply, with the necessary modifications, as if they were herein re-enacted and in terms made applicable to the said expenses.

41 Entry on premises

Any person duly authorised in writing by the local authority shall, on production of his authorisation, be admitted into any premises for the purposes of section thirty-nine of this Act, and the provisions of sections one hundred and two and one hundred and three of the Public Health Act, 1875, shall, with the necessary modifications, apply to his admission.

42 Appeals

- (1) Where any person deems himself aggrieved by any requirement of the local authority under section thirty-nine of this Act, or objects to the reasonableness of any expenses wholly or partially recoverable from him under that section, that person may, within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses, appeal to a court of summary jurisdiction, and the court may make such order in the matter as to them may seem equitable, and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal, subsequent to the service of a demand for payment, shall be restricted to the ground of the reasonableness of the amount of the expenses, and the appellant shall be precluded from raising at that stage any other question.

- (2) Pending the decision of the court upon the appeal the local authority shall not be empowered to execute any works to which the notice relates, and any proceeding which may have been commenced for the recovery of the expenses shall be stayed.

43 Local authority may require removal or alteration- of urinals

- (1) If any urinal or other sanitary convenience opening on any street (whether erected before or after the commencement of this section) is so placed or constructed as to be a nuisance or offensive to public decency, the local authority, by notice in writing, may require the owner to remove it within a reasonable time fixed by the local authority.
- (2) If the owner fails to comply with the notice, he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

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44 Urinals to be attached to refreshment houses, &c

- (1) Where any inn, public-house, beer-house, eating-house, refreshment-house, or place of public entertainment, whether built before or after the commencement of this section, has no urinal belonging or attached thereto, the local authority may, by notice in writing, require the owner of the premises to provide and maintain thereon one or more proper and sufficient urinals in a suitable position.
- (2) If the owner fails within a reasonable time to comply with a notice under this section he shall be liable in respect of each offence to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

45 Testing of drains on report of defects

- (1) If the medical officer, surveyor, or inspector of nuisances reports to the local authority that he has reasonable grounds for believing that any drains of any building are so defective as to be injurious or dangerous to health, the local authority may authorise their medical officer, surveyor, or inspector of nuisances to apply the smoke or coloured water test, or other similar test (not including a test by water under pressure), to the drains, subject to the condition that either the consent of the owner or occupier of the building must be given to the application of the test, or an order of a court of summary jurisdiction having jurisdiction in the place where the building is situated must be obtained, authorising the application of the test.
- (2) If on the application of the test the drains are found to be defective, the local authority may, by notice specifying generally the defect, require the owner of the premises to do all works necessary for remedying it within a reasonable time named in the notice, and if the owner fails so to do the work the local authority may themselves do the work, and the expense of so doing the work may either be recovered from the owner of the building summarily as a civil debt or may be declared by the local authority to be private improvement expenses, and may be recoverable accordingly.
- (3) The owner and occupier of any building shall give all reasonable facilities for the application of any test which has been consented to or authorised in pursuance of this section, and, if the owner or occupier fails to do so, he shall be liable in respect of each offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

46 Provision for filling up cesspools, &c

If it shall appear to the local authority by the report of the medical officer, surveyor, or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter, or for the whole or any part of the drainage of a house, or that any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health, or otherwise objectionable for sanitary reasons, and that it is desirable that the same should be filled up or removed, or so altered as to remove any such objection as aforesaid, the local authority may, if they think fit, by notice in writing, require the owner or occupier of such house or part of a house within a reasonable time, to be specified in the notice, to cause such cesspool, receptacle, ashpit, or well to be filled up or removed, and any drain communicating therewith to be effectually disconnected, destroyed, or taken away, or to cause such cesspool, receptacle, ashpit, or well to be so altered as to remove any such objection as aforesaid.

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Where it appears that any such cesspool, receptacle, ashpit, or well is used in common by the occupiers of two or more houses, or parts of houses, the notice for filling up or removal of any such cesspool, receptacle, ashpit, or well may be served on any one or more of the owners or occupiers of such houses, and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the local authority may themselves carry out the requisitions, and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt, or, where the owners are the persons liable, as private improvement expenses are recoverable under the Public Health Acts.

47 Public conveniences and lavatories

The local authority may provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large, and may provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public, and may employ and pay attendants and make reasonable charges for the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided. The local authority may make byelaws for the management of the sanitary conveniences and lavatories, and as to the conduct of persons frequenting the same.

The local authority may let any such sanitary conveniences and any such lavatories for such periods, at such rents, and subject to such conditions as to the charges to be made for the use thereof and otherwise, as they think proper.

48 Removal of trade refuse

If the local authority are required by the owner or occupier of any premises to remove any trade refuse (other than sludge), the local authority shall do so, and the owner or occupier shall pay to them for doing so a reasonable sum, to be settled in case of dispute by order of a court of summary jurisdiction ; and if any question arises in any case as to what is to be considered as trade refuse, that question may be decided on the complaint of either party by a court of summary jurisdiction, whose decision shall be final.

49 Summary power to provide sinks and drains for buildings

In addition to all other powers vested in a local authority, the local authority, if it shall appear to them on the report of the surveyor, medical officer, or inspector of nuisances, that any building built before or after the commencement of this section of this Act is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such building, may give notice in writing to the owner or occupier of such building requiring him in the manner and within the time to be specified in such notice, not being less than twenty-eight days, to provide such sink, drain, or other appliances. If the owner or occupier makes default in complying with such requirement to the satisfaction of the local authority within the time specified in such notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings, and in case of default the local authority may, if they think fit, themselves provide such sink, drain, or other appliances, and the

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expenses incurred by them, in so doing shall be repaid to them by such owner or occupier, and may be recovered summarily as a civil debt.

50 Local authority may provide an ambulance

The local authority may provide and maintain an ambulance for use in any case of accident, or other sudden or urgent disability, together with suitable attendants, and means of traction, and other requisites ; and may allow the ambulance to be used by any other local authority or person subject to such terms and conditions as may be agreed upon.

51 Power to declare a business to be an offensive business

- (1) The words "any other trade, business, or manufacture, which the local authority declare by order confirmed " by the Local Government Board, and published in such manner " as the Board direct, to be an offensive trade," shall be substituted for the words " any other noxious or offensive trade, business, or manufacture, " in section one hundred and twelve of the Public Health Act, 1875.
- (2) The local authority may make byelaws with respect to any trade which is an offensive trade under section one hundred and twelve of the Public Health Act, 1875, as amended by this Act, whether established before or after the commencement of this Act, in order to prevent or diminish any noxious or injurious effects of the trade.