

SCHEDULES

THIRD SCHEDULE

Sections 31, 32.

MODIFICATIONS OF, AND PROVISIONS SUPPLEMENTARY TO, PUBLIC HEALTH ACTS, &C

PART I

PUBLIC HEALTH ACT, 1936

- 1 Section two hundred and eighty-seven (which confers a power of entry on premises)
—
- (a) shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling ; but
 - (b) shall apply in relation to any vessel as it applies in relation to premises.
- 2 Section two hundred and ninety-seven shall have effect as if the reference to a daily penalty in respect of a continuing offence included a reference to a daily penalty in respect of a repetition of an offence.
- 3 Sections three hundred and seventeen, three hundred and nineteen, three hundred and forty-one and three hundred and forty-two (which relate respectively to repeals and alterations of local Acts, to regulations made by the Minister, to the application of the Act to Crown property and to the application of portions of the Act to London) shall not apply.

PART II

PUBLIC HEALTH (LONDON) ACT, 1936

- 1 The local authorities for the purposes of the provisions of this Act shall, subject to the provisions of the Public Health (London) Act, 1936, relating to the port health authority, be the sanitary authorities and not the county council;
- Provided that—
- (a) both the county council and the sanitary authorities shall be local authorities for the purposes of section twenty-five of this Act;
 - (b) if, in any special case, a sanitary authority so requests, the county council may enforce any of the provisions of this Act in lieu of the sanitary authority ;
 - (c) the duty of enforcing the provisions of this Act in relation to any such premises, not being premises within the Port of London, as are occupied by a sanitary authority, shall be performed by the county council;
- and, for the purposes of performing their duties under this proviso, the county council may act as if they were the local authority and the county were their district.

Status: This is the original version (as it was originally enacted).

- 2 Section three (which confers jurisdiction on sanitary authorities over ships within their districts) and the definition of " building " in subsection (1) of section three hundred and four shall not apply.
- 3 The sanitary authority, the county council and the port health authority may, for the purpose of enforcing the provisions of this Act enforceable by them respectively, of exercising any of their powers under this Act and of ascertaining whether there is or has been on, or in connection with, any premises any contravention of those provisions or whether any of their powers under this Act ought to be exercised, enter upon any premises by day or at any time during the night when business is being carried on thereon:
- Provided that—
- (a) in the case of a private dwelling, this paragraph shall have effect only in relation to work under subsection (2) of section twelve of this Act; and
 - (b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.
- 4 Paragraph 3 of this Part of this Schedule shall apply in relation to vessels as it applies in relation to premises.

PART III

SCOTTISH ENACTMENTS

Public Health (Scotland) Act, 1897

Section eighteen (which confers a power of entry on premises) shall have effect subject to the following modification and to any other necessary modifications consequential thereon, that is to say, that the purposes for which the power of entry may be exercised shall include the purposes of enforcing the provisions of this Act enforceable by the local authority, of exercising any of the powers of the authority under this Act and of ascertaining whether there is or has been on, or in connection with, the premises any contravention of those provisions or whether any of the powers of the authority under this Act ought to be exercised:

Provided that—

- (a) the said section eighteen shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling ; and
- (b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

This paragraph shall apply in relation to vessels as it applies in relation to premises.

Housing (Scotland) Act, 1950

Section twenty-two shall have effect as if the reference to section five or section eight of that Act included a reference to section twelve of this Act.

Section one hundred and sixty-one (which imposes a penalty for obstructing the execution of works) shall have effect as if, in subsection (1), the words "Part II of" and paragraph (b) were omitted.