



# Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

## PART II

### SANITATION AND BUILDINGS

#### *Accumulations of rubbish*

#### **34 Accumulations of rubbish.**

- (1) If it appears to a local authority that there is [<sup>F1</sup>on any land in the open air in their area any rubbish] which is seriously detrimental to the amenities of the neighbourhood, the local authority may, subject to the provisions of this section, take such steps for removing the rubbish as they may consider necessary in the interests of amenity.
- (2) Not less than twenty-eight days before taking any action under this section, the local authority shall serve on the owner and occupier of the [<sup>F1</sup>land] a notice stating the steps which they propose to take and giving particulars of the following provisions of this subsection; and a person on whom the notice is served and any other person having an interest in the land may within twenty-eight days from the service of the notice—
  - (a) serve a counter-notice on the local authority stating that he intends to take those steps himself; or
  - (b) appeal to a magistrates' court on the ground that the local authority were not justified in concluding that action should be taken under this section, or that the steps proposed to be taken are unreasonable.
- (3) If a counter-notice is served under the last foregoing subsection, the local authority shall take no further action in the matter under this section unless the person who served the counter-notice either—
  - (a) fails within what seems to the local authority a reasonable time to begin to take the steps stated in the notice, or
  - (b) having begun to take those steps fails to make such progress towards their completion as seems to the local authority reasonable.

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*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961, Section 34. (See end of Document for details)*

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- (4) If an appeal is brought under subsection (2) of this section, the local authority shall take no further action in the matter under this section until the appeal is finally determined or withdrawn; and on the hearing of the appeal the court may direct the local authority to take no further action or may permit the local authority to take such steps as the court may direct or may dismiss the appeal.
- (5) In this section “rubbish” means rubble, waste paper, crockery and metal, and any other kind of refuse (including organic matter), but does not include any material accumulated for, or in the course of, any business<sup>F2</sup>...

**Textual Amendments**

- F1** Words substituted by [Civic Amenities Act 1967 \(c. 69\), s. 26](#)
- F2** Words in s. 34(5) repealed (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), Sch. 21 para. 1, **Sch. 23** (with reg. 72, Sch. 4)

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

- C1** S. 34 amended by [Local Government Act 1972 \(c. 70\), Sch. 14 para. 37](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1961, Section 34.