



Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

PART II

SANITATION AND BUILDINGS

Filthy or verminous premises or articles

36 Power to require vacation of premises during fumigation.

- (1) If a local authority serve a notice under subsection (3) of section eighty-three of the ^{M1}Public Health Act 1936 as amended by the last foregoing section, on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—
 - (a) the notice to the occupier may also require that the premises shall, as from such date as may be specified in the notice, be vacated until the local authority give the occupier further notice that the premises can safely be reoccupied; and
 - (b) the local authority may also serve notice on the occupiers of any other premises having any floor, wall or ceiling contiguous with the first-mentioned premises, or into which there is reason to apprehend that the gas may penetrate, requiring that those other premises shall be vacated as aforesaid.
- (2) No person shall be required under this section to vacate any premises used for human habitation for any period unless alternative shelter or other accommodation has been provided for him by the local authority free of charge for that period; and any notice given under this section shall specify the alternative shelter or other accommodation so provided.
- (3) A person on whom a notice is served under this section may within the period of seven days from the date on which the notice was served on him appeal to a magistrates' court, and the requirements included in the notice in pursuance of this section shall not take effect until the expiration of that period or, where an appeal is brought within that period, before the appeal is disposed of or withdrawn.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961, Section 36. (See end of Document for details)

The provisions of this subsection as to the period within which an appeal shall be brought shall have effect notwithstanding anything in subsection (2) of section three hundred of the ^{M2}Public Health Act 1936 as applied to this Part of this Act.

- (4) So much of subsection (2) of the said section eighty-three as imposes a penalty for failure to comply with the requirements of a notice under that section shall also apply to the requirements included in the notice by virtue of this section.
- (5) The local authority shall defray any reasonable expenses incurred in removing from and returning to any premises in compliance with a notice served under paragraph (b) of subsection (1) of this section, and may, if they think fit, defray any such expenses incurred in compliance with a notice under paragraph (a) of that subsection.

Modifications etc. (not altering text)

- C1** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 68(1)(a)**
- C2** S. 36: Certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), Sch. 2.
S. 36 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch. 2**.
s. 36 modified (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**
- C3** S. 36 modified (E.) (6.4.2010) by [Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Schs.**
- C4** S. 36 modified (E.) (6.4.2010) by [Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Schs.**
- C5** S. 36 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Schs.** (with art. 2)
- C6** S. 36 modified (E.) (6.4.2010) by [Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Schs.**
- C7** S. 36 modified (E.) (6.4.2010) by [Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Schs.**
- C8** S. 36 applied (with modifications) (E.) (24.3.2011) by [Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Schs. 2**
- C9** S. 36 functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, **Sch. 2**
- C10** S. 36 functions etc. assigned to the port health authority and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, **Sch. 2** (with art. 9(3))
-

Marginal Citations

- M1** 1936 c. 49.
M2 1936 c. 49.

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1961, Section 36.