



Public Health Act 1936

1936 CHAPTER 49

PART II

SANITATION AND BUILDINGS.

General.

90 Interpretation of Part II.

(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—

" cesspool " includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

" closet " includes privy;

" earthcloset " means a closet having a moveable receptacle for the reception of faecal matter and its deodorisation by the use of earth, ashes or chemicals, or by other methods;

" joint sewerage board " includes any authority or committee constituted for the purpose of collecting and dealing with the contents of sewers from the districts of two or more local authorities;

" sanitary conveniences " means closets and urinals;

" sewerage authority " means a local authority, the council of a metropolitan borough, a county council (including the London County Council) and a joint sewerage board;

" surface water " includes water from roofs;

" vermin, " in its application to insects and parasites, includes their eggs, larvae and pupae, and the expression " verminous " shall be construed accordingly; and

" watercloset " means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action.

Status: This is the original version (as it was originally enacted).

- (2) For the purposes of this Part of this Act and, so far as byelaws made thereunder may provide, for the purposes of those byelaws, any of the following operations shall be deemed to be the erection of a building, that is to say—
- (i) the re-erection of any building or part of a building when an outer wall of that building or, as the case may be, that part of a building has been pulled down, or burnt down, to within ten feet of the surface of the ground adjoining the lowest storey of the building or of that part of the building;
 - (ii) the re-erection of any frame building or part of a frame building when that building or part of a building has been so far pulled down, or burnt down, as to leave only the framework of the lowest storey of the building or of that part of the building;
 - (iii) the roofing over of any open space between walls or buildings;
- and the word " erect " shall be construed accordingly.
- (3) Any reference in this Part of this Act to plans deposited in accordance with building byelaws shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the byelaws.
- (4) Any reference in this Part of this Act to a drain or to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that drain or sewer, and any reference in this Part of this Act to sewage disposal works shall be construed as including a reference to the machinery and equipment of those works and any necessary pumping stations and outfall pipes.
- (5) Any reference in this Part of this Act to the construction of a sewer or sewage disposal works shall be construed as including a reference to the extension of an existing sewer or of existing works.
- (6) For the purposes of this Part of this Act, a building or proposed building shall not be deemed to have a sewer available unless—
- (a) there is within one hundred feet of the site of the building or proposed building, and at a level which makes it reasonably practicable to construct a drain to communicate therewith, a public sewer or other sewer which the owner of the building or proposed building is, or will be, entitled to use, and
 - (b) the intervening land is land through which he is entitled to construct a drain;
- and shall not be deemed to have a sufficient water supply available unless it has a sufficient supply of water laid on, or unless such a supply can be laid on to it from a point within one hundred feet of the site of the building or proposed building, and the intervening land is land through which the owner of the building or proposed building is, or will be, entitled to lay a communication pipe:

Provided that, for the purposes of this definition, the limit of one hundred feet shall not apply, if the local authority undertake to bear so much of the expenses reasonably incurred in constructing, and in maintaining and repairing, a drain to communicate with a sewer or, as the case may be, in laying, and in maintaining and repairing, a pipe for the purpose of obtaining a supply of water, as may be attributable to the fact that the distance of the sewer, or of the point from which a supply of water can be laid on, exceeds one hundred feet.