



# Public Health Act 1936

## 1936 CHAPTER 49

### PART II

#### SANITATION AND BUILDINGS.

##### *Removal of refuse, scavenging, keeping of animals, etc..*

#### **72 Removal of house refuse, cleansing of ashpits, and &c.**

- (1) A local authority may, and if required by the Minister shall, undertake the performance of all or any of the following services, that is to say—
  - (a) the removal of house refuse ;
  - (b) the cleansing of earthclosets, privies, ashpits and cesspools or any of them,in either case, as respects either the whole or any part of their district.
- (2) If a local authority who, as respects their district or any part thereof, have undertaken the removal of house refuse, or the cleansing of earthclosets, privies, ashpits or cesspools, receive notice from the occupier of any premises within the district or, as the case may be, within that part of the district, requiring them to remove any house refuse from those premises or, as the case may be, to cleanse any earthcloset, privy, ashpit or cesspool belonging to or used by the occupants of those premises, and, without, reasonable excuse, fail to comply with the notice within seven days, the occupier of the premises may recover summarily as a civil debt from the authority the sum of five shillings for every day during which the default continues after the expiration of the said period.
- (3) A local authority who as respects their district or any part thereof have undertaken the removal of house refuse may make byelaws for the area to which their undertaking may for the time being extend—
  - (a) imposing on the occupiers of premises duties in connection with the removal in order to facilitate the work which the authority have undertaken;
  - (b) where a local authority themselves provide dustbins, requiring that those dustbins shall be used;

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- (c) prohibiting the deposit of liquid matter in dustbins;
  - (d) regulating the deposit of refuse in ashpits or dustbins; and
  - (e) prohibiting any person from removing any matter which the authority have undertaken to remove, not being matter produced on his own premises which he intends to remove for sale, or for his own use, and which is kept in the meantime so as not to be a nuisance.
- (4) A local authority who as respects any part of their district have not undertaken the performance of the service in question may make byelaws requiring the occupiers of premises in that part of the district to remove at specified intervals their house refuse or, as the case may be, to cleanse at specified intervals their earthclosets, privies, ashpits and cesspools,
- (5) A local authority who have under this section resolved to undertake the performance of any service shall not, if their resolution was passed in compliance with a requirement of the Minister, rescind it without his consent.

### **73 Removal of trade refuse and other matters.**

- (1) A local authority may undertake the removal of trade refuse, or any kind of trade refuse, from premises within their district or from premises within any part of their district, and an authority who have so undertaken shall at the request of the occupier of any premises within the district, or, as the case may be, within that part of the district, remove from his premises any trade refuse to which their undertaking relates and, if without reasonable excuse they fail to do so within seven days after the request, the occupier may recover from them summarily as a civil debt the sum of five shillings for every day during which the default continues after the expiration of the said period.
- (2) A local authority shall make reasonable charges for removing trade refuse under this section.
- (3) Any question arising under this section as to what is to be considered as trade refuse, or trade refuse to which the authority's undertaking relates, or as to the reasonableness of any charges made by them, may, on the application of either party, be determined by a court of summary jurisdiction.

### **74 Power of local authority in certain cases to remove refuse or cleanse cesspools, and &c. on behalf of owner or occupier.**

- (1) A local authority may at the request of the owner or occupier of any premises remove therefrom any refuse or cleanse any earthcloset, privy, ashpit or cesspool belonging thereto, which they are under no obligation to remove or cleanse, or may carry out such removal or cleansing more frequently than they are under any obligation to do, and in either case may make such charge, if any, as they think fit:

Provided that nothing in this subsection shall be construed as empowering a local authority to undertake thereunder a general collection of trade refuse, or of any kind of trade refuse, from premises within their district, or from premises within any part of their district.

- (2) A local authority may at the request of the owner or occupier of any premises undertake to dispose of any refuse which he may deliver at a place appointed by them, and may make such charge, if any, for so doing as they think fit.

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## **75 Regulation dustbins.**

- (1) A local authority who, as respects their district or any part thereof, have undertaken the removal of house refuse may by notice require the owner or occupier of any building within the district, or, as the case may be, within that part of the district, to provide such number of covered dustbins for the reception of house refuse of such material, size and construction as the authority may approve:

Provided that this subsection shall not entitle an authority to require the replacement of any dustbin in use at the commencement of this Act so long as it is of suitable material, size and construction and properly covered and in proper condition.

Any person aggrieved by a requirement of the local authority under this subsection may appeal to a court of summary jurisdiction.

- (2) If a person fails to comply with a notice under the preceding subsection, or fails to maintain in good order and condition any dustbin which under that subsection he has been required to provide, or fails to replace any such dustbin when worn out by a new dustbin of a material, size and construction approved by the local authority, the authority may provide such dustbin, or such new dustbin, as may be required and may recover the expenses reasonably incurred by them in so doing from the person in default, and, without prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding twenty shillings.

- (3) A local authority may, as respects their district or any part thereof, in lieu of requiring the owners or occupiers of buildings to provide and maintain dustbins for the reception of house refuse, undertake themselves to provide and maintain such dustbins as may be necessary and, so long as such an undertaking is in force, the authority may make in respect of each dustbin provided by them such annual charge not exceeding two shillings and sixpence as they think proper.

Any such charge shall become due on the first day of April in each year and may be recovered as part of the general rate in respect of the premises for which the dustbin has been provided, but without prejudice to the rights of any person under any tenancy agreement:

Provided that, if on the first day of April the premises are unoccupied, the charge shall not be recoverable until they become occupied and, if they remain unoccupied during the whole of the local financial year, the charge shall be treated as irrecoverable.

## **76 Provisions as to deposit and disposal of refuse, and for prohibiting interference with dustbins and refuse tips.**

- (1) A local authority may provide—
- (a) receptacles for refuse in streets and public places;
  - (b) places for the deposit of refuse;
  - (c) plant or apparatus for treating or disposing of refuse.
- (2) A local authority may sell refuse removed by them from any premises, including any street, under this Part of this Act.
- (3) It shall not be lawful for any person, other than a person employed by the local authority in connection with the removal and disposal of refuse—

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- (a) to sort over or disturb the contents of any dustbin when placed in any street or forecourt for the purpose of its contents being removed by the local authority; or
- (b) to sort over or disturb the material deposited in any place provided by the authority for the deposit of refuse;

and a person who contravenes any of the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

#### **77 Sweeping and watering of streets.**

- (1) A local authority may, and if required by the Minister shall, undertake the cleansing, and may undertake the watering, of streets, as respects either the whole or any part of their district.
- (2) Where a local authority have under this section undertaken the cleansing or watering of any streets with respect to which they are not the highway authority—
  - (a) the local authority may arrange with the highway authority for that authority to carry out the work on such terms as may be agreed;
  - (b) if the local authority carry out the work, the highway authority shall make towards the expenses of the local authority such reasonable contribution, regard being had to the extent to which the work is or was necessary for the maintenance of the street and the safety of traffic thereon, as may be agreed or, in case of dispute, may be determined by the Minister.
- (3) A local authority who have under this section resolved to undertake the cleansing of streets shall not, if their resolution was passed in compliance with a requirement of the Minister, rescind it without his consent.

#### **78 Scavenging of common courts and passages.**

- (1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a highway repairable by the inhabitants at large, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the local authority, the authority may cause it to be swept and cleansed.
- (2) The local authority may recover any expenses reasonably incurred by them under this section from the occupiers of the buildings which front or abut on the court or yard, or to which the passage affords access, in such proportions as may be determined by the authority, or, in case of dispute, by a court of summary jurisdiction.

#### **79 Power to require removal of noxious matter by occupier of premises in urban district.**

- (1) If in a borough or urban district, or in a rural district or contributory place in which section forty-nine of the Public Health Act, 1875, was in force immediately before the commencement of this Act, it appears to the sanitary inspector that any accumulation of noxious matter ought to be removed, he shall serve notice on the owner thereof, or on the occupier of the premises on which it is found, requiring him to remove it, and, if the notice is not complied with within twenty-four hours after service thereof, the inspector may remove the matter referred to.
- (2) A local authority may recover the expenses of any action reasonably taken by their inspector under the preceding subsection from the owner or occupier in default.

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**80 Power to require periodical removal of manure, and &c, from stables, and &c, in urban district.**

- (1) In a borough or urban district, and in a rural district or contributory place in which section fifty of the Public Health Act, 1875, was in force immediately before the commencement of this Act, the local authority may by public or other notice require the periodical removal, at such intervals as may be specified in the notice, of manure or refuse from mews, stables or other premises.
- (2) If a person on whom a notice has been served under this section fails to comply therewith, he shall be liable to a fine not exceeding twenty shillings.

**81 Byelaws for the prevention of certain nuisances.**

A local authority may make byelaws for preventing—

- (a) the occurrence of nuisances from snow, filth, dust, ashes and rubbish;
- (b) the keeping of animals so as to be prejudicial to health.

**82 Byelaws as to removal through streets of offensive matter or liquid.**

- (1) A local authority may make byelaws—
  - (a) prescribing the times for the removal, or carriage through the streets, of any faecal or offensive or noxious matter or liquid, whether that matter or liquid is in course of removal or carriage from within, or from without, or through, their district;
  - (b) requiring that the receptacle or vehicle used for the removal or carriage of any such matter or liquid shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;
  - (c) requiring the cleansing of any place whereon any such matter or liquid has been dropped or spilt in the course of removal or carriage.
- (2) If and so far as a byelaw made under the preceding subsection is inconsistent with a regulation made under section ten of the London Traffic Act, 1924, the regulation shall prevail.