Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART XII

GENERAL

Modifications etc. (not altering text)

C1 Pt. XII (ss. 271-347) modified (7.8.1991) by S.I. 1991/1773, art. 8, **Sch.2**.

C2 Pt. XII (ss. 271-347) applied (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 115(8)**, 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).
Pt. XII (ss. 271-347) applied (with modifications)(E.W.)(27.8.1993) by 1993 c. 11, **ss. 24(1)-(3)**, (with s. 66(1), Sch. 3 para. 2)

C3 Pt. XII modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C4 Pt. XII modified (E.) (6.4.2010) by The Southampton Port Health Authority Order 2010 (S.I. 2010/1218), arts. 1(1), 4, **Sch.**

C5 Pt. XII modified (E.) (6.4.2010) by The Cornwall Port Health Authority Order 2010 (S.I. 2010/1215), arts. 1(1), 4, **Sch.** (with art. 2)

C6 Pt. XII modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C7 Pt. XII modified (E.) (6.4.2010) by The Bristol Port Health Authority Order 2010 (S.I. 2010/1214), arts. 1, 4, **Sch.**

C8 Pt. XII modified (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 9, **Sch. 2**

C9 Pt. XII 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 Pt. XII extended and amended (Greater London) by London Government Act 1963 (c. 33), **Sch. 11 Pt. I para. 24**; amended by Health and Safety at Work etc. Act 1974 (c 37), s. 76(1)

C11 Functions of the Minister of Housing and Local Government under Pt. XII in relation to or in consequence of ss. 25, 37, 38, 43, 53-55, 59(1), 60 (so far as it relates to proposed buildings), 61-67, 69-71, 137 now exercisable by Secretary of State: S.I. 1964/263, art. 2(2), **Sch. Pt. II** and 1970/1681, art. 2(1)

C12 Functions of the Minister of Housing and Local Government under Pt. XII in relation to s. 59(2)–(4) or s. 60 (so far as it relates to buildings other than proposed buildings) now exercisable by Secretary of State: S.I. 1964/263, **art. 3**

C13 References to local authorities and their districts in Pt.XII so far as it relates to ss. 15-24, 27-31, 33-36, 42 to be construed respectively as references to water authorities and their areas: Water Act 1973 (c. 37), **s. 14(2)**

C14 Pt. XII (ss. 271–347) extended by Highways Act 1980 (c. 66, SIF 59), **s. 166(4)**

C15 Pt. XII amended by Housing and Building Control Act 1984 (c. 29, SIF 61), **s. 60(1)**

C16 Power to apply conferred (E.W.) by Housing Act 1988 (c. 50, SIF 61), **s. 68(1)(c)**

C17 Pt. XII modified by Water Act 1989 (c. 15, SIF 130), s. 69, Sch. 8 paras. 3(7), **4(6)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C18 Pt. XII (ss. 271-347) modified (1.10.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

Supplemental as to powers of councils

271 . . . . . [F1]

Textual Amendments

F1 S. 271 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

272, 273. . . . . . [F2]

Textual Amendments

F2 Ss. 272, 273 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

274 . . . . . [F3]

Textual Amendments

F3 Ss. 274, 277 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

275 Power of local authority to execute certain work on behalf of owners or occupiers.

A local authority may by agreement with the owner or occupier of any premises themselves execute at his expense any work which they have under this Act required him to execute, or any work in connection with the construction, laying, alteration or repair of a sewer, **[**[F4]or drain**]**, which he is entitled to execute, and for that purpose they shall have all such rights as he would have.

Textual Amendments

F4 Words substituted by Water Act 1945 (c. 42), **Sch. 4**

Modifications etc. (not altering text)

C19 S. 275 extended by Mines and Quarries (Tips) Act 1969 (c. 10), **s. 33**

C20 S. 275 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
S. 275 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)** 68(2)

C21 S. 275 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(9)(11)

C22 S. 275 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C23 S. 275 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C24 S. 275 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

276 Power of local authority to sell certain materials.

(1) A local authority may sell any materials which have been removed by them from any premises, including any street, when executing works under, or otherwise carrying into effect the provisions of, this Act, and which are not before the expiration of three days from the date of their removal claimed by the owner and taken away by him.

(2) Where a local authority sell any materials under this section, they shall pay the proceeds to the person to whom the materials belonged after deducting the amount of any expenses recoverable by them from him.

(3) This section does not apply to refuse removed by a local authority.

Modifications etc. (not altering text)

C25 S. 276 applied with modifications by S.I. 1987/349, **reg. 11** and S.I. 1990/1519, **reg. 11**

C26 S. 276 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C27 Power to apply s. 276 conferred by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 178(3)(a)(5)**, 209(3)(a)(5), 219(3)(a)(5) and by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9, SIF 123:1), **ss. 42(3)(5)**, 74(3)

C28 S. 276 applied by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 190(5)**

C29 S. 276 applied (with modifications) (17.7.1992) by S.I. 1992/1492, **reg. 14(1)**.
S. 276 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)

C30 S. 276 applied (with modifications) (1.3.2010) by The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (S.I. 2010/105), regs. 1(1), **5(1)**

C31 S. 276 applied (with modifications) (30.4.2012) by The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (No. 793), regs. 1, **15(1)**

C32 S. 276 applied (with modifications) (6.4.2015) by The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (S.I. 2015/462), regs. 1, **8(1)**

277 . . . . . [F5]

Textual Amendments

F5 Ss. 274, 277 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

278 Compensation to individuals for damage resulting from exercise of powers under Act.

(1) Subject to the provisions of this section, a local authority shall make full compensation to any person who has sustained damage by reason of the exercise by the authority of any of their powers under this Act in relation to a matter as to which he has not himself been in default.

(2) Any dispute arising under this section as to the fact of damage, or as to the amount of compensation, shall be determined by arbitration:
Provided that, if the compensation claimed does not exceed fifty pounds, all questions as to the fact of damage, liability to pay compensation and the amount of compensation may on the application of either party be determined by, and any compensation awarded may be recovered before, a court of summary jurisdiction.

(3) No person shall be entitled by virtue of this section to claim compensation [F6]. . . on the ground that he has sustained damage by reason of any action of a local authority in respect of which the authority are by this Act authorised to pay compensation if they think fit.

(4) . . . . . [F7]

Textual Amendments

F6 Words in s. 278(3) repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt.1** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

F7 Ss. 278(4), 279 repealed by Water Act 1989 (c. 15, SIF 130), s. 69, Sch. 8 para. 2(5), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

Modifications etc. (not altering text)

C33 S. 278 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(3), 17, 40(4), 57(6), 58)
S. 278 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)
S. 278 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(10)(11)

C34 S. 278 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C35 S. 278 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C36 S. 278 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C37 S. 278(1)(2) extended by Public Health Act 1961 (c. 64), **s. 54(7)**; S.I. 1966/1305, **art. 5(1)**; S.I. 1968/1366, **art. 12** and Local Government Act 1972 (c. 70), **Sch. 14 Pt. I para. 20**

Breaking open of streets

279 . . . . . [F8]

Textual Amendments

F8 Ss. 278(4), 279 repealed by Water Act 1989 (c. 15, SIF 130), s. 69, Sch. 8 para. 2(5), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

280, 281. . . . . . [F9]

Textual Amendments

F9 Ss. 280, 281 repealed by Water Act 1945 (c. 42), s. 6, **Sch. 5**

282 Application of 38 & 39 Vict. c. 55 s. 153.

Section one hundred and fifty-three of the [M1]Public Health Act 1875 (which relates to the power to require gas and water pipes to be moved), shall apply for the purposes of this Act as it applies for the purposes of that Act.

Marginal Citations

M1 1875 c. 55.

Notices, &c.

283 Notices to be in writing; forms of notices, &c.

(1) All notices, orders, consents, demands and other documents authorised or required by or under this Act to be given, made or issued by a council, and all notices and applications authorised or required by or under this Act to be given or made to, or to any officer of, a council shall be in writing.

(2) The Minister may by regulations prescribe the form of any notice, advertisement, certificate or other document to be used for any of the purposes of this Act and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

Modifications etc. (not altering text)

C38 S. 283 extended by Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), **Sch. 4**

C39 S. 283 extended by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 33(6)**(*a*)

C40 s. 283 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
S. 283 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)

C41 S. 283(1) extended by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 78**
S. 283(1) applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(9)-(11)

C42 S. 283(1) applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C43 S. 283(1) applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C44 S. 283(1) modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C45 S. 283(1) applied (with modifications) (2.7.2009) by Broads Authority Act 2009 (c. i), s. 39(5), **Sch. 5** (with ss. 2(3), 16(3), 41(4), 42, Sch. 6 Pts. 2, 3)

284 Authentication of documents.

(1) Any notice, order, consent, demand or other document which a council are authorised or required by or under this Act to give, make or issue may be signed on behalf of the council—

(a) by the clerk of the council;

(b) by the surveyor, the medical officer of health, the sanitary inspector or the chief financial officer, of the council as respects documents relating to matters within their respective provinces;

(c) by any officer of the council authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document.

(2) Any document purporting to bear the signature of an officer expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or expressed to be duly authorised by the council to sign such a document or the particular document, shall for the purposes of this Act, and of any byelaws **[**[F10]building regulations**]** and orders made thereunder, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the council

In this subsection the expression "signature" includes a facsimile of a signature by whatever process reproduced.

Textual Amendments

F10 Words inserted by Public Health Act 1961 (c. 64), **Sch. 1 Pt. III**

Modifications etc. (not altering text)

C46 S. 284 extended by Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), **Sch. 4**
S. 284 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)

C47 References to a specified officer of a local authority to be construed as reference to a proper officer of a local authority: Local Government Act 1972 (c. 70), **Sch. 29 Pt. I para. 4**

C48 S. 284 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

285 Service of notices, &c.

Any notice, order, consent, demand or other document which is required or authorised by or under this Act to be given to or served on any person may, in any case for which no other provision is made by this Act, be given or served either—

(a) by delivering it to that person; or

(b) in the case of a coroner, or a medical officer of health, by leaving it or sending it in a prepaid letter addressed to him, at either his residence or his office and, in the case of any other officer of a council, by leaving it or sending it in a prepaid letter addressed to him, at his office; or

(c) in the case of any other person, by leaving it or sending it in a prepaid letter addressed to him, at his usual or last known residence; or

(d) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office; or

(e) in the case of a document to be given to or served on a person as being the owner of any premises by virtue of the fact that he receives the rackrent thereof as agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a prepaid letter addressed to him, at his place of business; or

(f) in the case of a document to be given to or served on the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied, by addressing it to the person concerned by the description of "owner" or "occupier" of the premises (naming them) to which it relates, and delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Modifications etc. (not altering text)

C49 S. 285 extended by Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), **Sch. 4**
S. 285 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)
S. 285 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(9)-(11)

C50 References to a specified officer of a local authority to be construed as references to a proper officer of a local authority: Local Government Act 1972 (c. 70), **Sch. 29 Pt. I para. 4**

C51 S. 285 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C52 S. 285 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C53 S. 285 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C54 S. 285 applied (with modifications) (2.7.2009) by Broads Authority Act 2009 (c. i), s. 39(5), **Sch. 5** (with ss. 2(3), 16(3), 41(4), 42, Sch. 6 Pts. 2, 3)

286 . . . . . F11

Textual Amendments

F11 S. 286 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

Entry and obstruction

287 Power to enter premises.

(1) Subject to the provisions of this section, any authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—

(a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of this Act or of any byelaws **[**[F12]or building regulations**]** made thereunder, being provisions which it is the duty of the council to enforce;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the council to take any action, or execute any work, under this Act or any such byelaws **[**[F12] or building regulations**]**;

(c) for the purpose of taking any action, or executing any work, authorised or required by this Act or any such byelaws **[**[F12] or building regulations**]**, or any order made under this Act, to be taken, or executed, by the council;

(d) generally, for the purpose of the performance by the council of their functions under this Act or any such byelaws **[**[F12] or building regulations**]**:

Provided that admission to any premises not being a factory, [F13]. . . or workplace, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

(b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the justice may by warrant under his hand authorise the council by any authorised officer to enter the premises, if need be by force:
Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory,. . . or workplace discloses to any person any information obtained by him in the factory,. . . or workplace with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding **[**[F14]level 3 on the standard scale**]** or to imprisonment for a term not exceeding three months.

(6) . . . . . [F15]

Textual Amendments

F12 Words inserted by Public Health Act 1961 (c. 64), **Sch. 1 Pt. III**

F13 Words in s. 287(1)(d)(5) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**

F14 Words substituted by virtue of the Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

F15 S. 287(6) repealed by Statute Law (Repals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

Modifications etc. (not altering text)

C55 S. 287 extended by Fire Services Act 1947 (c. 41), **s. 1(2)**, Public Health Act 1961 (c. 64), **ss. 38(2)**, 67(2), 75(6), 77(2), Greater London Council (General Powers) Act 1967 (c. xx), **s. 21(6)**, Health Services and Public Health Act 1968 (c. 46), **s. 54(2)**, Deposit of Poisonous Waste Act 1972 (c. 21), **s. 5(2)**, Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 35(7)** and Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), **Sch. 4**

C56 S. 287 modified by Water Act 1989 (c. 15, SIF 130), ss. 69, 74(1), Sch. 8 para. 2(9), **Sch. 9 para. 7** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(3), 17, 40(4), 57(6), 58)

C57 S. 287 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C58 S. 287 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C59 S. 287 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C60 S. 287 applied (with modifications) (2.7.2009) by Broads Authority Act 2009 (c. i), s. 39(5), **Sch. 5** (with ss. 2(3), 16(3), 41(4), 42, Sch. 6 Pts. 2, 3)

C61 S. 287(2)-(4) applied (with effect as mentioned in ss. 3, 5 of the applying Act by London Local Authorities Act 1991 (c. xiii), **ss. 3**, 5, 15(2))
S. 287(2)-(4) applied (coming into force in accordance with ss. 3, 15, 30 of the amending Act) by 1995 c. x, **ss. 25(2)**, 40(2)
S. 287(2)-(4) applied (24.6.1996) by 1996 c. viii, **s. 6(2)**
S. 287(2)-(4) applied (coming into force in accordance with s. 3 of the amending Act) by 2000 c. viii, s. 20(7)(b)

288 Penalty for obstructing execution of Act.

A person who wilfully obstructs any person acting in the execution of this Act or of any byelaw **[**[F16]building regulation**]**, order or warrant made or issued thereunder shall, in any case for which no other provision is made by this Act, be liable to a fine not exceeding **[**[F17]£10 for a first offence and £20 for a second or subsequent offence**]**.

Textual Amendments

F16 Words inserted by Public Health Act 1961 (c. 64), **Sch. 1 Pt. III**

F17 Words substituted by virtue of Criminal Justice Act 1967 (c. 80), s. 92, **Sch. 3 Pt. I**

Modifications etc. (not altering text)

C62 S. 288 extended by Greater London Council (General Powers) Act 1967 (c. xx), **s. 21(6)**, Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 35(7)** and Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), **Sch. 4**

C63 S. 288 extended by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 33(6)**(*b*)

C64 Criminal Justice Act 1982 (c.48, SIF 39:1), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply

C65 S. 288 applied (with modifications) (2.7.2009) by Broads Authority Act 2009 (c. i), s. 39(5), **Sch. 5** (with ss. 2(3), 16(3), 41(4), 42, Sch. 6 Pts. 2, 3)

289 Power to require occupier to permit works to be executed by owner.

If on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by or under this Act required to execute, the court may order the occupier to permit the execution of the work.

Modifications etc. (not altering text)

C66 S. 289 extended by Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), **Sch. 4**

C67 S. 289 applied with modifications by S.I. 1987/349, **reg. 11** and S.I. 1990/1519, **reg. 11**
S. 289 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)

C68 Power to apply s. 289 conferred by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 178(3)(b)(4)(5)**, 209(3)(b)(4)(5), 219(3)(b)(4)(5) and by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9, SIF 123:1), **ss. 42(3)–(5)**, 74(3)

C69 S. 289 applied (with modifications) (17.7.1992) by S.I. 1992/1492, **reg. 14(1)**.
S. 289 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(9)(11)

C70 S. 289 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C71 S. 289 applied (with modifications) (31.12.2004 for W., 1.6.2005 for E.) by Anti-social Behaviour Act 2003 (c. 38), **ss. 76**, 93 (with s. 84); S.I. 2004/3238, art. 2; S.I. 2005/710, art. 2

C72 S. 289 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C73 S. 289 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C74 S. 289 applied (with modifications) (1.3.2010) by The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (S.I. 2010/105), regs. 1(1), **5(1)**

C75 S. 289 applied (with modifications) (30.4.2012) by The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (No. 793), regs. 1, **15(1)**

C76 S. 289 applied (with modifications) (6.4.2015) by The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (S.I. 2015/462), regs. 1, **8(1)**

Notices requiring the execution of works

290 Provisions as to appeals against, and the enforcement of, notices requiring execution of works.

(1) The following provisions of this section shall, subject to any express modifications specified in the section under which the notice is given, apply in relation to any notice given under this Act which is expressly declared to be a notice in relation to which the provisions of this Part of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works are to apply.

(2) Any such notice shall indicate the nature of the works to be executed, and state the time within which they are to be executed.

(3) A person served with such a notice as aforesaid may appeal to a court of summary jurisdiction on any of the following grounds which are appropriate in the circumstances of the particular case:—

(a) that the notice or requirement is not justified by the terms of the section under which it purports to have been given or made;

(b) that there has been some informality, defect or error in, or in connection with, the notice;

(c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;

(e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served;

(f) where the work is work for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

(4) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

(5) Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (e) or paragraph (f) of subsection (3) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom any work is to be executed and the contribution to be made by any other person towards the cost of the work, or as to the proportions in which any expenses which may become recoverable by the local authority are to be borne by the appellant and such other person.

In exercising its powers under this subsection, the court shall have regard—

(a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required; and

(b) in any case, to the degree of benefit to be derived by the different persons concerned.

(6) Subject to such right of appeal as aforesaid, if the person required by the notice to execute works fails to execute the works indicated within the time thereby limited, the local authority may themselves execute the works and recover from that person the expenses reasonably incurred by them in so doing and, without prejudice to their right to exercise that power, he shall be liable to a fine not exceeding **[**[F18]level 4 on the standard scale**]**, and to a further fine not exceeding **[**[F19]£2**]** for each day on which the default continues after conviction therefor.

(7) In proceedings by the local authority against the person served with the notice for the recovery of any expenses which the authority are entitled to recover from him, it shall not be open to him to raise any question which he could have raised on an appeal under this section.

Textual Amendments

F18 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

F19 Words substituted by virtue of Decimal Currency Act 1969 (c. 19), **s. 10(1)**

Modifications etc. (not altering text)

C77 S. 290 amended by Public Health Act 1961 (c. 64), **ss. 21(2)(3)**, 29(10)(11), 32(3)-(5), 46(4)

C78 S. 290 applied by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 10, 23(2), 27(2), **Sch. 5 para. 11(2)**

C79 S. 290 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C80 S. 290 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C81 S. 290 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C82 S. 290 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C83 S. 290(2)-(7) applied (with modifications) (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1(1), **38(3)** (with ss. 38(9), 48)

C84 S. 290(6) extended by Highways Act 1980 (c. 66, SIF 59), **s. 166(4)**

Provisions as to recovery of expenses, &c.

291 Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.

(1) Where a local authority have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable, either under this Act or under any enactment repealed thereby, or by agreement with the authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued

due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.

(2) A local authority may by order declare any expenses recoverable by them under this section to be payable with interest by instalments within a period not exceeding thirty years, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered from the owner or occupier for the time being of the premises in respect of which the expenses were incurred, and, if recovered from the occupier, may be deducted by him from the rent of the premises:
Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An order may be made under this subsection at any time with respect to any unpaid balance of expenses and accrued interest so, however, that the period for repayment shall not in any case extend beyond thirty years from the service of the first demand for the expenses.

(3) The rate of interest chargeable under subsection (1) or subsection (2) of this section shall be such **[**[F20]reasonable**]** rate as the authority may determine:
. . . [F21]

(4) A local authority shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the [M2]Law of Property Act 1925, and otherwise as if they were mortgages by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

Textual Amendments

F20 Word inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(6), **Sch. 6 para. 4**

F21 S. 291(3) proviso repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. VI**

Modifications etc. (not altering text)

C85 S. 291 extended by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 33(6)**(*c*)

C86 S. 291 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
S. 291 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)
S. 291 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(10)-(12)

C87 S. 291 extended (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 107(5)**, 109(3), 160(2), 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6)

C88 S. 291 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C89 S. 291 modified by 1995 c. x, s. 12(6C) (as inserted (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), **12(4)**)

C90 S. 291 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C91 S. 291 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C92 S. 291 applied (with modifications) by 1990 c. 8, s. 225F(9) (as inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 127(2)**, 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9121316arts. 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))

C93 S. 291(3) proviso amended by Local Government Act 1972 (c. 70), **s. 171**

Marginal Citations

M2 1925 c. 20.

292 . . . . . [F22]

Textual Amendments

F22 S. 292 repealed by Local Government Act 1974 (c. 7), **Sch. 8**

293 Recovery of expenses, &c.

(1) Any sum which a council are entitled to recover under this Act, and with respect to the recovery of which provision is not made by any other section of this Act, may be recovered . . . [F23] as a simple contract debt in any court of competent jurisdiction.

(2) . . . . . [F24]

Textual Amendments

F23 Words repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

F24 S. 293(2) repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

Modifications etc. (not altering text)

C94 S. 293 extended by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 29(12)**

C95 S. 293 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
S. 293 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)

C96 S. 293 extended (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 107(5)**, 109(3), 160(2), 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6)

C97 S. 293 modified by 1995 c. x, s. 12(6C) (as inserted (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), **12(4)**)

294 Limitation of liability of certain owners.

Where a council claim to recover any expenses under this Act from a person as being the owner of the premises in respect of which the expenses were incurred and that person proves that he—

(a) is receiving the rent of those premises merely as agent or trustee for some other person; and

(b) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but a council who are, or would be, debarred by the foregoing provisions from recovering the whole of any such expenses from an agent or trustee may recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

Modifications etc. (not altering text)

C98 S. 294 applied with modifications by S.I. 1987/349, **reg. 11** and S.I. 1990/1519, **reg. 11**

C99 S. 294 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C100 Power to apply s. 294 conferred by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 178(3)(c)(5)**, 209(3)(c)(5), 219(3)(c)(5) and by Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9, SIF 123:1), **ss. 42(3)(c)(5)**, 74(3)

C101 S. 294 applied (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 107(5)**, 109(3), 160(2), 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6)
S. 294 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)

C102 S. 294 applied (with modifications) (17.7.1992) by S.I. 1992/1492, **reg. 14(1)**.
S. 294 applied (with modificatiions)(27.8.1993) by 1993 c. 12, **ss. 30(3)**, 51(2)

C103 S. 294 applied (with modifications) (1.3.2010) by The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (S.I. 2010/105), regs. 1(1), **5(1)**

C104 S. 294 applied (with modifications) by SI 2010/675 Sch. 23 Pt. 4 para. 4(3)(b) (as substituted (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), reg. 1(b), **Sch. 1**)

C105 S. 294 applied (with modifications) (30.4.2012) by The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (No. 793), regs. 1, **15(1)**

C106 S. 294 applied (with modifications) (6.4.2015) by The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (S.I. 2015/462), regs. 1, **8(1)**

C107 S. 294 applied (with modifications) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 23 para. 8(3)(b)** (with regs. 1(3), 77-79, Sch. 4)

295 . . . . . [F25]

Textual Amendments

F25 S. 295 repealed with saving by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), s. 27(6), **Sch. 2**

Prosecution of offences, &c.

296 Summary proceedings for offences.

All offences under this Act may be prosecuted under the Summary Jurisdiction Acts.

297 Continuing offences and penalties.

Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original

offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

Modifications etc. (not altering text)

C108 S. 297 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C109 S. 297 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C110 S. 297 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

298 Restriction on right to prosecute.

Proceedings in respect of an offence created by or under this Act shall not, without the written consent of the Attorney-General, be taken by any person other than a party aggrieved, or a council or a body whose function it is to enforce the provisions or byelaws in question, or by whom or by whose predecessors the byelaw in question was made.

Modifications etc. (not altering text)

C111 S. 298 excluded by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 12(1)**

C112 S. 298 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

[F26]299 . . . . . .

Textual Amendments

F26 S. 299 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group4

Appeals and other applications to courts of summary jurisdiction, and appeals to quarter sessions

300 Appeals and applications to courts of summary jurisdiction.

(1) Where any enactment in this Act provides—

(a) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of a council; or

(b) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,

the procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.

(2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the council's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the council in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

Modifications etc. (not altering text)

C113 S. 300 extended by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 77(1)** and Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act has been repealed (E.W.) by S.I. 1985/4936, reg 3(2), **Sch. 4**

C114 Ss. 300, 301 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C115 S. 300 applied (coming into force in accordance with s. 1(2)-(4) of the amending Act) by 2002 c. i, s. 27(4) (with ss. 38,39)

C116 Ss. 300-302 extended (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 106(7)**, 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).
Ss. 300-302 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 113(5)**, 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).
Ss. 300-301 applied (1.12.1991) by Water Industry Act 1991 (c. 56), ss. 180, 223(2), **Sch. 12 para. 4(4)(5)** (with ss. 82(3), 186(1), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).

C117 S. 300 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(9)-(11)

C118 S. 300 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C119 Ss. 300-302 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C120 Ss. 300-302 applied (with modifications) (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1(1), **38(4)** (with ss. 38(9), 48)

C121 S. 300 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C122 S. 300(2) excluded by Public Health Act 1961 (c. 64), **s. 36(3)**

301 Appeals to quarter sessions against decisions of justices.

Subject as hereinafter provided, where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to **[**[F27]the Crown Court**]** he may appeal to such a court: Provided that nothing in this section shall be construed as conferring a right of appeal from the decision of a court of summary jurisdiction in any case if each of the parties concerned might under this Act have required that the dispute should be determined by arbitration instead of by such a court.

Textual Amendments

F27 Words substituted by virtue of Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

Modifications etc. (not altering text)

C120 Ss. 300-302 applied (with modifications) (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1(1), **38(4)** (with ss. 38(9), 48)

C123 S. 301 extended by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 77(1)** and Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act has been repealed (E.W.) by S.I. 1985/4936, reg 3(2), **Sch. 4**

C124 Ss. 300, 301 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C125 S. 301 applied (coming into force in accordance with s. 1(2)-(4) of the amending Act) by 2002 c. i, s. 27(4) (with ss. 38, 39)

C126 Ss. 300-302 extended (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 106(7)**, 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).
Ss. 300-302 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 113(5)**, 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).
Ss. 300-301 applied (1.12.1991) by Water Industry Act 1991 (c. 56), ss. 180, 223(2), **Sch. 12 para. 4(4)(5)** (with ss. 82(3), 186(1), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).

302 Effect of decision of court upon an appeal.

Where upon an appeal under this Act a court varies or reverses any decision of a council, it shall be the duty of the council to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.

Modifications etc. (not altering text)

C120 Ss. 300-302 applied (with modifications) (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1(1), **38(4)** (with ss. 38(9), 48)

C127 S. 302 extended by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 77(1)** and Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act has been repealed (E.W.) by S.I. 1985/4936, reg 3(2), **Sch. 4**

C128 S. 302 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C129 S. 302 applied (coming into force in accordance with s. 1(2)-(4) of the amending Act) by 2002 c. i, s. 27(4) (with s. 38,39)

C130 Ss. 300-302 extended (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 106(7)**, 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).
Ss. 300-302 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 113(5)**, 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).

Arbitrations

303 Mode of reference to arbitration.

In arbitrations under this Act the reference shall, except where otherwise expressly provided, be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Minister.

Modifications etc. (not altering text)

C131 S. 303 extended by Highways Act 1980 (c.66, SIF 59), **s. 341**

Judges and justices

304 Judges and justices not to be disqualified by liability to rates.

A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a council are to be defrayed.

Modifications etc. (not altering text)

C132 S. 304 extended by Mines and Quarries (Tips) Act 1969 (c. 10); s. 33 and Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 78**

C133 Ss. 304, 305 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C134 S. 304 applied (with modifications) (2.7.2009) by Broads Authority Act 2009 (c. i), s. 39(5), **Sch. 5** (with ss. 2(3), 16(3), 41(4), 42, Sch. 6 Pts. 2, 3)

Protection of members and officers

305 Protection of members and officers of certain local authorities from personal liability

Section two hundred and sixty-five of the [M3]Public Health Act 1875, (which relates to the protection of members and officers of certain authorities) shall apply to local authorities, joint boards and port health authorities under this Act as if any reference in that section to the said Act of 1875 were a reference to this Act.

Modifications etc. (not altering text)

C135 S. 305 extended by Mines and Quarries (Tips) Act 1969 (c. 10), **s. 33**
S. 305 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)

C136 Ss. 304, 305 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

Marginal Citations

M3 1875 c. 66.

306 . . . . . [F28]

Textual Amendments

F28 S. 306 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

Expenses and borrowing

307 . . . . . [F29]

Textual Amendments

F29 S. 307 repealed by Local Government Act 1958 (c. 55), **Sch. 9 Pt. I**

308 . . . . . [F30]

Textual Amendments

F30 S. 308 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

309 Expenses of joint boards.

(1) Any expenses incurred by a joint board shall, unless otherwise determined by the order constituting the board, be defrayed out of a common fund to be contributed by the constituent districts, or contributory places, in proportion to the rateable value of the property in each district or contributory place, as ascertained according to the valuation list for the time being in force.

(2) For the purpose of obtaining payment from constituent districts or contributory places of the sums to be contributed by them, a joint board shall issue precepts to the local authority of each district concerned, stating the sum to be contributed by the authority and requiring the authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board, or to such person as the joint board may direct.

(3) Any sum mentioned in a precept issued under this section by a joint board to a local authority shall be a debt due from that authority, and may be recovered accordingly. [F31] ...

[F32](4) . . . . . .

(5) Where the order constituting a united district provides for contributions to be made to the common fund of the joint board by a county council, the amount of any such contribution as fixed by the order shall be a debt due to the joint board and may be recovered accordingly.

[[F33](6) In subsection (5) of this section, the reference to a county council shall not include a reference to the council of a Welsh county or county borough.**]**

Textual Amendments

F31 Words in s. 309(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

F32 S. 309(4) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. VI**

F33 S. 309(6) added (1.4.1996) by 1994 c. 19, **s. 22(3) Sch. 9 para. 3(5)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, **art. 3**

310 . . . . . F34

Textual Amendments

F34 S. 310 repealed by Water Act 1973 (c. 37), **Sch. 9**

311 . . . . . F35

Textual Amendments

F35 S. 311 repealed with saving by National Loans Act 1968 (c. 13), s. 24(2), **Sch. 6 Pt. II**

Powers of the Minister

312 . . . . . F36

Textual Amendments

F36 S. 312 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

313, 314. . . . . . F37

Textual Amendments

F37 Ss. 313, 314 repealed with saving by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), s. 27(6), **Sch. 2**

F38**315** . . . . . .

Textual Amendments

F38 S. 315 repealed (8.11.1995) by 1995 c. 44, **s. 1 Sch. 1 Pt. VI**

316 Adaptation, where necessary, of provisional order procedure.

(1) In relation to any order made by the Minister under this Act which **[**[F39]is subject to special Parliamentary procedure**]** but was not made on the application of any local authority, **[**[F40]section two hundred and forty of the [M4]Local Government Act 1972**]** (which relates to the procedure for making **[**[F39]such**]** orders), shall have effect as if for references therein to the applicants for the order and to the application for the order there were substituted respectively references to the Minister and to the order proposed to be made by him.

(2) The expenses incurred by the Minister in connection with the making and confirmation of any such order as aforesaid shall be paid by such council, or by such councils in such shares, as he may direct, and the amount of those expenses as certified by him, or the amount of any share thereof so certified, shall be recoverable by him from the council liable therefor as a debt due to the Crown.

Textual Amendments

F39 Words substituted by S.I. 1949/2393 (1949 I, p. 3973), art. 3, Sch. 2

F40 Words substituted by virtue of Local Government Act 1972 (c. 70), **s. 272(2)**

Marginal Citations

M4 1972 c. 70.

317 Amendment of 38 & 39 Vict. c. 55. s. 303.

In section three hundred and three of the [M5]Public Health Act 1875 (which relates to the power of the Minister to repeal and alter local Acts by means of provisional orders), the reference to any local Act which relates to the same subject-matters as that Act shall be construed as including a reference to any local Act which relates to the same subject-matters as this Act.

Modifications etc. (not altering text)

C137 S. 317 extended by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 77, **Sch. 1 para. 5**(*a*) and by Building Act 1984 (c.55, SIF 15), s. 132, **Sch. 5 para. 3**(*a*)

Marginal Citations

M5 1875 c. 55.

318 Local inquiries.

The Minister may cause a local inquiry to be held in any case where he is authorised by this Act to determine any difference, to make any order, to frame any scheme, to give any consent, confirmation, sanction or approval, or otherwise to act under this Act, and in any other case where he deems it advisable that a local inquiry should be held in relation to any matter concerning the public health in any place.

Regulations

[F41]319 . . . . . .

Textual Amendments
F41 S. 319 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Group1

Relinquishment and transfer of powers and duties

320, 321. . . . . . [F42]

Textual Amendments
F42 Ss. 320, 321 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

322 Power of Minister to enforce exercise of powers by local authorities, &c., in default.

(1) . . . . . [F43]

(2) **[**[F44]If the Minister is satisfied that any council . . . [F45] or joint board have failed to discharge their functions under this Act in any case where they ought to have done so**]**, he may make an order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, and in such manner and within such time or times, as may be specified in the order.

(3) If a council, authority or board with respect to whom an order has been made under the last preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order by mandamus or otherwise, may—

(i) . . . [F46]

(ii) . . . [F47], make an order transferring to himself such of the functions of the body in default as may be **[**[F44]specified in his order**]**.

Textual Amendments
F43 Ss. 322(1), 323 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**
F44 Words substituted by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 27(5)**
F45 Words repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**
F46 S. 322(3)(i) repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**
F47 Words repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

Modifications etc. (not altering text)
C138 S. 322 excluded by Clean Air Act 1968 (c. 62), **s. 8(7)**
C139 S. 322 applied by Housing Act 1985 (c. 68, SIF 61), **s. 410(2)**

C140 S. 322 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

[F48]323 . . . . . .

Textual Amendments

F48 Ss. 322(1), 323 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **Sch. 2**

Modifications etc. (not altering text)

C141 S. 323 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

324 Provisions as to exercise by Minister of functions of body in default.

(1) Where under the last but one preceding section the Minister has by order transferred to himself any functions of a council . . . [F49] or joint board, any expenses incurred by him in discharging the said functions shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid to him by the body in default, and shall be recoverable by him from them as a debt due to the Crown, and that body shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them.

(2) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority . . . [F49] or joint board may borrow money in accordance with the statutory provisions relating to borrowing by such an authority or board.

Textual Amendments

F49 Words repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

Modifications etc. (not altering text)

C142 Functions of Secretary of State under s. 324 so far as exercisable by virtue of s. 10(5) of Public Libraries and Museums Act 1964 made exercisable (E.) by Chancellor of Duchy of Lancaster: S.I. 1979/907, **art. 4**, transferred to the Secretary of State and the Lord President of the Council respectively, by S.I. 1981/207, art. 2(1), **Sch. 1 Pt. I** and S.I. 1983/879, **art. 5**, retransferred to the Chancellor of the Duchy of Lancaster by S.I. 1984/1814, art. 2, **Sch. 1 Pt. I** and transferred back to the Lord President of the Council by S.I. 1986/600 art. 2(1), Sch. 1 Pt. I

C143 S. 324 applied by Housing Act 1985 (c. 68, SIF 61), **s. 410(2)**

C144 S. 324 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C145 Functions of the Lord President of the Council under s. 324 (as applied by s. 10(5) of the Public Libraries and Museums Act 1964) transferred (3.7.1992) to the Secretary of State (or no longer

exercisable by the Lord President of the Council in the case of functions exercisable by him concurrently with the Secretary of State) by virtue of S.I. 1992/1311, art. 3(1), **Sch. 1 Pt.I**.

325 Power to vary and revoke orders relating to defaults.

In any case where under this Part of this Act an order has been made by the Minister transferring to a county council or to himself any functions of a council . . . [F50] or joint board, the Minister may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and when any order is so revoked the Minister may, either by the revoking order or by a subsequent order, make such provision as appears to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by the county council or by him in discharging any of the functions to which the order so revoked related.

Textual Amendments

F50 Words repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

Modifications etc. (not altering text)

C146 S. 325 applied by Housing Act 1985 (c. 68, SIF 61), **s. 410(2)**

C147 S. 325 restored for specified purposes by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

General provisions as to transfer, compensation and superannuation rights of officers

326 Provisions as to the transfer and compensation of officers and superannuation rights of transferred officers.

(1) The provisions of this section shall apply in relation to any order or agreement made under this Act, or any order made by virtue of this Act under section three hundred and three of the [M6]Public Health Act 1875, **[**[F51]or any order under section 2 of the Public Health (Control of Disease) Act 1984,**]** being an order or agreement by, under or in consequence of which an authority is constituted or dissolved, or any functions of an authority are relinquished, delegated, transferred or re-transferred, or exercised by two, or more authorities in combination, or the services of any staff of one authority are rendered available to another authority.

(2) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the [M7]Local Government Act 1933, (which relate to the transfer and compensation of officers of a local authority affected by an order made under Part VI of that Act) shall have effect in relation to any such order as is mentioned in subsection (1) of this section as they have effect in relation to an order made under the said Part VI, and where, by virtue or in consequence of any such order as is mentioned in subsection (1) of this section, officers of one authority who are entitled as such to the benefits of a superannuation enactment will be transferred to the service of another authority, there shall be included in the order such provisions as are hereinafter mentioned for the purpose of protecting the rights and interests of those officers in respect of superannuation.

(3) The provisions with respect to superannuation to be included in any such order as aforesaid shall be either—

(a) provisions for securing that the superannuation enactment to the benefits of which an officer was entitled immediately before his transfer shall continue to apply to him, subject to such modifications and adaptations as the Minister may determine; or

(b) provisions for applying to the officer, subject to such modifications and adaptations as the Minister may determine, any superannuation enactment to the benefits of which any officers of the authority to whom the officer is transferred are entitled.

(4) The Minister, on the application of any officer or authority affected by any such agreement as is mentioned in subsection (1) of this section, shall make a scheme containing such provisions for the protection and compensation of existing officers effected by the agreement as are specified in paragraphs (a) and (b) of subsection (1) of section one hundred and fifty of the [M8]Local Government Act 1933, and such provisions, if any, as he deems expedient with respect to the transfer of such existing officers, and where, by virtue or in consequence of the agreement, officers of one authority who are entitled as such to the benefits of a superannuation enactment will be transferred to the service of another authority, the scheme shall also contain such provisions for the purpose of protecting the rights and interests of those officers in respect of superannuation as in the case of an order are required by the last preceding subsection to be included in the order.

(5) A scheme made by the Minister under the last preceding subsection and the agreement to which it relates shall be construed together as if they constituted a single instrument coming into operation on the date on which the agreement comes into operation, and the provisions of subsections (2) to (6) of section one hundred and fifty of, and the Fourth Schedule to, the [M9]Local Government Act 1933, shall have effect in relation thereto as they have effect in relation to a scheme made under Part VI of the said Act.

(6) In this section the expression "authority" means a county council, local authority, joint board, [F52]. . .port health authority or riparian authority within the meaning of section two of this Act, and, for the purposes of this section, any reference in the relevant provisions of the [M10]Local Government Act 1933, to a local authority shall be construed as a reference to an authority as herein defined.

In this section the expression "superannuation enactment" means an enactment, including a scheme made thereunder, by virtue of which persons employed by an authority become entitled to superannuation benefits on retirement.

Textual Amendments

F51 Words inserted by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 77, **Sch. 2 para. 3**

F52 Words in s. 326(6) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. VI**

Modifications etc. (not altering text)

C148 Power to exclude s. 326 conferred by Local Government Act 1972 (c. 70), **s. 259(3)**

C149 S. 326 applied by Housing Act 1985 (c. 68, SIF 61), **s. 410(2)**

Marginal Citations

M6 1875 c. 55.

M7 1933 c. 51.
M8 1933 c. 51.
M9 1933 c. 51.
M10 1933 c. 51.

327 Provisions for compensation in certain cases to officers of trustees, &c. executing local Acts.

(1) If, by virtue or in consequence of a provisional order **[**[F53]or order**]** made by the Minister under or by virtue of any provision of this Act **[**[F54]or section 2 of the Public Health (Control of Disease) Act 1984**]**, an officer of any trustees or other body of persons entrusted with the execution of a local Act suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments and no other provision for his compensation for that loss is made by any enactment or statutory order for the time being in force, he shall be entitled to receive compensation for that loss from such local authority as the Minister may determine.

(2) The provisions of subsections (2) to (6) of section one hundred and fifty of, and the Fourth Schedule to, the [M11]Local Government Act 1933, shall apply to the case of any such officer as aforesaid as if the provisional order **[**[F53]or order**]** of the Minister were an order made under Part VI of the said Act and as if subsection (1) of this section were contained in the said order.

Textual Amendments
F53 Words inserted by S.I. 1949/2393 (1949I, p. 3973), art. 3, Sch. 2
F54 Words inserted by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 2 para. 4**

Marginal Citations
M11 1933 c. 51.

Savings

328 Powers of Act to be cumulative.

All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by Act of Parliament, law or custom, and, subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

329 †Saving for certain provisions of the Land Charges Act, 1925.

Nothing in this Act with respect to the recovery of expenses from owners of premises affects the provisions of the [M12]**[**[F55]Local Land Charges Act 1975**]**.

Textual Amendments
F55 Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 17(2)(a)**

Modifications etc. (not altering text)

C150 Unreliable marginal note

Marginal Citations

M12 1975 c. 76.

330 Power of railway companies, dock undertakers and land drainage authorities to alter sewers, &c. vested in a local authority.

Any railway company, dock undertakers or land drainage authority may, after giving reasonable notice to the local authority concerned, at their own expense and on substituting other sewers, drains, culverts and pipes which will be equally effectual and will entail no additional expense on the local authority, take up, divert or alter the level of any sewers, drains, culverts or pipes vested in the local authority which pass under, or interfere with, or interfere with the improvement or alteration of, the railway of the railway company, or, as the case may be, any river, canal, towing path or works forming part of the undertaking of the undertakers, or any watercourse or other works vested in or under the control of the land drainage authority.

Modifications etc. (not altering text)

C151 S. 330 extended by Airports Authority Act 1975 (c. 78), **s. 19(3)**

C152 S. 330 applied by Airports Act 1986 (c. 31, SIF 9), s. 58, **Sch. 2 para. 2**(*a*)
S. 330 applied (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 2** (with s. 106); S.I. 2001/869, **art. 2**

C153 S. 330 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C154 S. 330: by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 2, 4(2), **Sch. 1 para. 2(3)** it is provided (1.12.1991) that s. 330 shall cease to have effect in relation to any sewers, drains, culverts or pipes vested in a sewerage undertaker.

331 Works affecting water rights.

Nothing in this Act shall authorise a local authority injuriously to affect any reservoir, canal, watercourse, river or stream, or any feeder thereof, or the supply, quality or fall of water contained in, or in any feeder of, any reservoir, canal, watercourse, river or stream without the consent of any person who would, if this Act had not been passed, have been entitled by law to prevent, or be relieved against, the injurious affection of, or of the supply, quality or fall of water contained in, that reservoir, canal, watercourse, river, stream or feeder.

Modifications etc. (not altering text)

C155 S. 331 excluded by London Government Act 1963 (c. 33), **Sch. 9 Pt.III para 4**; extended by Public Health Act 1961 (c. 64), **s. 54(9)** and S.I. 1966/1305, **art. 5(1)**

C156 S. 331 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

332 Arbitration as to alteration of sewers, &c., or injurious affection of water rights.

Any difference of opinion which may arise under either of the two last preceding sections between a local authority and any person as to whether—

(a) any sewers, drains, culverts or pipes substituted or proposed to be substituted for sewers, drains, culverts or pipes of a local authority are or will be equally effectual, or entail or will entail additional expense on the authority; or

(b) the supply, quality or fall of water in any reservoir, canal, watercourse, river, stream or feeder is injuriously affected by the exercise or powers under this Act,

may, at the option of the party complaining, be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

Modifications etc. (not altering text)

C157 S. 332 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

333 Protection for works of dock undertakers and for railways.

(1) Subject to the provisions of this section, nothing in this Act shall authorise a local authority without the consent of the dock undertakers concerned—

(a) to interfere with any river, canal, dock, harbour, basin, lock or reservoir so as injuriously to affect navigation thereon or the use thereof or the access thereto, or to interfere with any towing path, so as to interrupt the traffic thereon;

(b) to interfere with any bridges crossing any river, canal dock, harbour or basin;

(c) to execute any works in, across or under any dock, harbour, basin, wharf, quay or lock, or any land which belongs to dock undertakers and is held or used by them for the purposes of their undertaking;

(d) to execute any works which will interfere with the improvement of, or the access to, any river, canal, dock, harbour, basin, lock, reservoir, or towing path, or with any works appurtenant thereto or any land necessary for the enjoyment or improvement thereof;

or without the consent of the railway company concerned, to execute any works along, across or under any railway of a railway company:
Provided that consent under this section shall not be unreasonably withheld, and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

(2) Upon an arbitration under this section, the arbitrator shall determine—

(i) whether any works which the local authority propose to execute are such works as under the last preceding subsection they are not entitled to execute without the consent of the statutory undertakers; and

(ii) if they are such works, whether the injury, if any, to the undertakers will be of such a nature as to admit of being fully compensated by money; and

(iii) if the works are of such a nature, the conditions subject to which the local authority may execute the works, including the amount of the compensation, if any, to be paid by them to the undertakers.

If the arbitrator should determine that the proposed works are such works as the local authority are not entitled to execute without the consent of the undertakers and that the works would cause injury to the undertakers of such a nature as not to admit of being fully compensated by money, the local authority shall not proceed to execute the works, but in any other case they may execute the works subject to compliance with such conditions, including the payment of such compensation, as the arbitrator may have determined.

(3) For the purposes of this section, dock undertakers shall be deemed to be concerned with any river, canal, dock, harbour, basin, lock, reservoir, towing path, wharf, quay or land if it belongs to them and forms part of their undertaking, or if they have statutory rights of navigating on or using it, or of demanding tolls or dues in respect of navigation thereon or the use thereof.

(4) Nothing in this section shall be construed as limiting the powers of a local authority under any of the foregoing provisions of this Act in respect of the opening and breaking up of streets and bridges for the purpose of constructing, laying and maintaining sewers, drains and pipes.

Modifications etc. (not altering text)

C158 S. 333 extended by Airports Authority Act 1975 (c. 78), **s. 19(3)**

C159 S. 333 extended by Building Act 1984 (c. 55, SIF 15), **s. 128**

C160 S. 333 applied by Airports Act 1986 (c. 31, SIF 9), s. 58, **Sch. 2 para. 2**(*b*)
S. 333 applied (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 2** (with s. 106); S.I. 2001/869, **art. 2**

C161 S. 333 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

334 Protection for works of land drainage authorities, &c.

Nothing in this Act shall authorise a local authority to use, injure or interfere with any sluices, floodgates, sewers, groynes, sea defences or other works, whether made before or after the date of commencement of this Act, which are vested in or under the control of a land drainage authority, or are used by any person for draining, preserving or improving land under any local or private Act of Parliament, or for irrigating land, without the consent, as the case may be, of that authority or that person:

Provided that consent under this section shall not be unreasonably withheld, and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

Modifications etc. (not altering text)

C162 S. 334 extended by Public Health Act 1961 (c. 64), **s. 54(9)** and S.I. 1966/1305, **art. 5(1)**

C163 S. 334 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

335, 336. . . . . . [F56]

Textual Amendments

F56 Ss. 335, 336, 342 repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

337 . . . . . [F57]

Textual Amendments

F57 S. 337 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 69, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 8 para. 2(5)(11), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

338 Sewers or drains of collegiate and other corporate bodies and Government departments.

Any collegiate or other corporate body required or authorised by or in pursuance of Act of Parliament to divert sewers or drains from any river or to construct new sewers, and any Government department, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the [M13]Sewage Utilization Act 1867; and for that purpose the provisions of this Act applicable to purposes the same as, or similar to, those of the [M14]Sewage Utilization Act 1865, and the Sewage Utilization Act 1867, shall apply in substitution for the provisions of those Acts.

Marginal Citations

M13 1867 c. 113.

M14 1865 c. 75.

339 Saving for existing rights of drainage.

Nothing in this Act affects any right of drainage acquired by any person by prescription or otherwise before the commencement of this Act:

[F58] . . .

Textual Amendments

F58 In s. 339, the proviso repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt.1** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

Modifications etc. (not altering text)

C164 S. 339 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

340 Works below high-water mark.

Nothing in this Act shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections and subject to such restrictions and regulations as may, before the works are commenced, be approved by the Board of Trade in writing . . . [F59]

Textual Amendments

F59 Words repealed by S.I. 1965/145, **Sch. 2**

Modifications etc. (not altering text)

C165 Functions of Board of Trade now exercisable concurrently by Secretary of State: S.I. 1970/1537, **art. 2(1)**

341 Power to apply provisions of Act to Crown property.

(1) The provisions of this section shall apply in relation to any house, building or other premises being property belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for His Majesty for purposes of a Government department.

(2) The authority which in relation to any such property is for the purposes of this section the appropriate authority and the council of the county, or the local authority of the district, in which that property is situate may agree that any provisions of this Act specified in the agreement shall apply to that property and, while the agreement is in force, those provisions shall apply to that property accordingly, subject however to the terms of the agreement.

Any such agreement as aforesaid may contain such consequential and incidental provisions, including, with the approval of the Treasury, provisions of a financial character, as appear to the appropriate authority to be necessary or equitable.

(3) In this section the expression "the appropriate authority" means—

(a) in the case of property belonging to His Majesty in right of the Crown, the **[**[F60]Crown Estate Commissioners**]** or other Government department having the management of the property in question;

(b) in the case of property belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(c) in the case of property belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and

(d) in the case of property belonging to a Government department or held in trust for His Majesty for purposes of a Government department, that department;

and, if any question arises as to what authority is the appropriate authority in relation to any property, that question shall be referred to the Treasury, whose decision shall be final.

Textual Amendments

F60 Words substituted by virtue of Crown Estate Act 1956 (c. 73), **s. 1(1)(7)** and Crown Estate Act 1961 (c. 55), **s. 1(1) Sch. 2 para. 4(1)**

Modifications etc. (not altering text)

C166 S. 341 extended by Greater London Council (General Powers) Act 1967 (c. xx), **s. 21(6)**, Mines and Quarries (Tips) Act 1969 (c. 10), **s. 33** and Fire Precautions Act 1971 (c. 40), **s. 40(7)**

C167 S. 341 applied by Housing Act 1985 (c. 68, SIF 61), **s. 415**

C168 S. 341 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

C169 S. 341 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**

C170 S. 341 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**

C171 S. 341 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**

C172 S. 341 applied (with modifications) (2.7.2009) by Broads Authority Act 2009 (c. i), s. 39(5), **Sch. 5** (with ss. 2(3), 16(3), 41(4), 42, Sch. 6 Pts. 2, 3)

Interpretation, transitory provisions, repeals, &c.

342 . . . . . [F61]

Textual Amendments

F61 Ss. 335, 336, 342 repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

343 Interpretation.

[F62](1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"authorised officer" means, as respects any council, an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind, or in any specified matter:

Provided that the medical officer of health, surveyor and sanitary inspector of a council shall, by virtue of their appointments, be deemed to be authorised officers for the purpose of matters within their respective provinces:

. . . . . [F63]

. . . . . [F64]

"clerk," in relation to a local authority being the council of a borough, means the town clerk;

"coastal waters" means waters within a distance of three nautical miles from any point on the coast measured from low-water mark of ordinary spring tides;

[[F65]"contributory place" means a rating district within the meaning of the [M15]General Rate Act 1967.].

"county" means an administrative county;

. . . . . [F63]

"dock undertakers" means persons who are statutory undertakers in respect of a dock, harbour, canal, or inland navigation;

"drain" means a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

"dustbin" means a movable receptacle for the deposit of ashes or refuse;

. . . . . [F63]

"enactment" includes any enactment in a provisional order confirmed by Parliament;

"factory" means a factory within the meaning of the **[**[F66]Factories Act 1961**]**;

[F62]...

"functions" includes powers and duties;

. . . . . [F67]

. . . . . [F67]

"house" means a dwelling-house, whether a private dwelling-house or not;

"inland waters" includes rivers, harbours and creeks;

"joint board" means a joint board constituted under this Act or under any Act repealed by this Act, **[**[F68]other than**]** a port health authority;

"land" includes any interest in land and any easement or right in, to or over land;

[[F69] " land drainage authority " **[**[F70]means the Environment Agency, the Natural Resources Body for Wales or an**]** internal drainage board; and **]**

"local Act" includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order;

"local authority" has the meaning assigned to it in section one of this Act;

. . . [F71]

"Minister" means the **[**[F72]Secretary of State**]**;

. . . . . [F73]

"officer" includes servant;

"owner" means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if those premises were let at a rackrent;

. . . [F74]

"prejudicial to health" means injurious, or likely to cause injury, to health;

"premises" includes messuages, buildings, lands, easements and hereditaments of any tenure;

"private sewer" means a sewer which is not a public sewer;

[[F69] " public sewer " means a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker by virtue of a scheme under Schedule 2 to the Water Act 1989 or Schedule 2 to the Water Industry Act 1991 or under section 179 of that Act of 1991 or otherwise; **]**

"rackrent" in relation to any property means a rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, [F75]. . . and deducting therefrom the probable average annual cost of the repairs,

insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;

"railway company" means persons who are statutory undertakers in respect of a railway undertaking;

[F76] . . .

"sewer" does not include a drain as defined in this section but, save as aforesaid, includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings;

"statutory order" means an order, rule or regulation made under any enactment;

"statutory scheme" means a scheme made under any enactment;

"statutory undertakers" means any persons authorised by an enactment or statutory order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, **[**[F77]gas**]**, . . . [F78], . . . [F79] or other public undertaking;

"street" includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"vessel" has the same meaning as **[**[F80] ship in the Merchant Shipping Act 1995**]**;

"waterworks" includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines and all machinery, lands, buildings and things for supplying, or used for supplying, water, or used for protecting sources of water supply;

"workplace" does not include a factory [F81]. . ., but save as aforesaid includes any place in which persons are employed otherwise than in domestic service;

[F76] . . .

(2) In the construction of any enactment incorporated with this Act, the expressions "the undertakers" and "the special Act" shall be construed as meaning respectively the local authority and this Act.

(3) Nothing in this section shall affect the interpretation of expressions which are used in any local Act, statutory order or scheme passed or made before the commencement of this Act and are defined as having for the purposes thereof the same meaning as in some enactment repealed by this Act.

Textual Amendments

F62 Words in s. 343(1) repealed (7.9.2004 for E. for specified purposes, 1.10.2004 for E. in so far as not already in force, 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, Sch. 1 para. 6, **Sch. 2**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F63 Definitions of "bridge authority", "county district", "emoluments" repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, **Sch. 1 Pt. IV**

F64 Definition of "building regulations" repealed by Health and Safety at Work etc. Act 1974 (c. 37), **Sch. 10**

F65 Definition substituted by Local Government Act 1972 (c. 70), **Sch. 14 Pt. I para. 22**

F66 Words in s. 343(1) substituted (5.11.1993) by 1993 c. 50, s. 1(2), **Sch. 2 Pt. II para. 25**

F67 Definitions of "highway authority" and "hospital" repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, **Sch. 1 Pt. IV**

F68 Words substituted by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 2 para. 5**

F69 Definitions in s. 343 substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 2, 4(2), **Sch. 1 para. 2(4)**.

F70 Words in s. 343(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 1** (with Sch. 7)

F71 Definition of "London" repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

F72 Words substituted by virtue of S.I. 1951/142 (1951I, p. 1348), arts. 3, 5(2), Sch. Pts I, II, 1951/753 (1951 I, p. 1354), arts. 2, 8(1), Sch. 1 1951/900 (1951 I, p. 1347), art. 1, 1964/263, arts. 2, 3, 5(1), Sch. Pts. I, II, (W.) 1965/319, arts. 2(1) 10(1), Sch. 1 Pts. I, II, 1966/692, arts. 2, 5(1)(a) 1968/1699, arts. 2, 5(4)(a) and 1970/1681, arts. 2(1), 6(3)

F73 Definition of "notifiable disease" repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

F74 Definition of "planning scheme" repealed by Town and Country Planning Act 1947 (c. 51), **Sch. 9 Pt. II**

F75 Words in s. 343(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 3

F76 S. 343: definitions repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 3

F77 Word repealed (E.W.) by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

F78 Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

F79 Word repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

F80 Words in definition of "vessel" in s. 343(1) substituted (1.1.1996) by 1995 c. 21, s. 314(2), **Sch. 13 para. 15** (with s. 312(1))

F81 Words in s. 343(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 3

Modifications etc. (not altering text)

C173 Definition of vessel extended by Health Services and Public Health Act 1968 (c. 46), **s. 62(1)**

Marginal Citations

M15 1967 c. 9.

344 . . . . . F82

Textual Amendments

F82 S. 344 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

345 . . . . . F83

Textual Amendments

F83 S. 345 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, **Sch. 1 Pt. IV**

346 Repeals.

(1) . . . F84

(a) save as expressly provided in this Act, nothing in this repeal shall affect any byelaw in force at the commencement of this Act, and, while such a byelaw

continues in force by virtue of this proviso, any question as to its application or interpretation shall be determined as if this Act had not been passed;

(b) nothing in this repeal shall affect the constitution of any authority, board or committee constituted for any district or area under any enactment repealed by this Act, and any such authority, board or committee shall continue to act for that district or area as if they and it had been constituted under the corresponding provisions of this Act;

(c) in so far as any appointment, agreement, scheme, order, rule, regulation, **[**[F85]byelaw,**]** requirement, apportionment or representation made, or any resolution passed, or any notice, direction, consent, sanction, approval, exemption or certificate given under any enactment repealed by this Act, or any charge conferred by, or any conditions imposed, or any proceeding instituted, or any other thing done, under any such enactment, could have been made, passed, given, conferred, imposed, instituted or done under or by a corresponding provision of this Act, it shall not be invalidated by this repeal, but shall have effect as if it had been made, passed, given, conferred, imposed, instituted or done under or by that corresponding provision and, in the case of any legal proceeding, may be continued and appealed against as if this Act had not been passed;

(d) . . . . . [F86]

(e) . . . [F87]

(2) . . . . . [F88]

(3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding enactment, if any, in this Act.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of **[**[F89]sections 16(1) and 17(2)(a) of the [M16]Interpretation Act 1978**]**, with regard to the effect of repeals.

Textual Amendments

F84 Words repealed by Statute Law Revision Act 1950 (c. 6), **Sch. 1**

F85 Word inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, **Sch. 6 para. 5**

F86 S. 346(1)(*d*) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, **Sch. 1 Pt. IV**

F87 S. 346(1)(e)(f) repealed by Statute Law Revision Act 1950 (c. 6), **Sch. 1**

F88 S. 346(2) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, **Sch. 1 Pt. IV**

F89 Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 25(2)**

Marginal Citations

M16 1978 c. 30.

347 †Short title, date of commencement and extent.

(1) This Act may be cited as the Public Health Act 1936,

. . . [F90]

(2) This Act shall not extend to Scotland nor, except as otherwise expressly provided, to Northern Ireland . . . [F91]

Textual Amendments

F90 Words repealed by Statute Law Revision Act 1950 (c. 6), **Sch. 1**

F91 Words repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

Modifications etc. (not altering text)

C174 Unreliable marginal note

Status:
Point in time view as at 01/01/2017.

Changes to legislation:
There are currently no known outstanding effects for the Public Health Act 1936, Part XII.