



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART XII

GENERAL

Interpretation, transitory provisions, repeals, &c.

342^{F1}

Textual Amendments

^{F1} Ss. 335, 336, 342 repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

343 Interpretation.

(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:

.....^{F2}
.....^{F3}

“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;

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[^{F4}“contributory place” means a rating district within the meaning of the
^{M1}General Rate Act 1967.]

“county” means an administrative county;
.....
^{F2}

“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;
.....
^{F2}

“enactment” includes any enactment in a provisional order confirmed by
Parliament;

“factory” means a factory within the meaning of the Factory and Workshop
Acts 1901 to 1929;

[^{F5} “fire authority” has the meaning assigned to it by section 43(1) of the
^{M2}Fire Precautions Act 1971.]

“functions” includes powers and duties;
.....
^{F6}

.....
^{F6}

“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Act repealed by this Act, [^{F7}other than] a port health authority;

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

“land drainage authority” means a drainage authority within the meaning
of the [^{F8}^{M3}Land Drainage Act 1976];

“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;
.....
^{F9}

“Minister” means the [^{F10}Secretary of State];
.....
^{F11}

“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;

.....
^{F12}

.....
^{F12}

“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;

[^{F13}“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 or 5 to the Water Act 1989 or under section 153
of that Act or otherwise;]

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“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, and tithe rentcharge (if any), 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;

“school” includes a Sunday school or a Sabbath school;

“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, [^{F14}gas], . . . ^{F15}, . . . ^{F16} 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 in the ^{M4}Merchant Shipping Act 1894;

“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 or workshop, but save as aforesaid includes any place in which persons are employed otherwise than in domestic service;

“workshop” means a workshop within the meaning of the ^{M5}Factory and Workshop Act, 1901.

- (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

- F2** Definitions of “bridge authority”, “county district”, “emoluments” repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1, Sch. 1 Pt. IV](#)
- F3** Definition of “building regulations” repealed by Health and Safety at [Work etc. Act 1974 \(c. 37\), Sch. 10](#)
- F4** Definition substituted by [Local Government Act 1972 \(c. 70\), Sch. 14 Pt. I para. 22](#)
- F5** Definition inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\), s. 8\(1\)\(c\)](#)

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- F6** Definitions of “highway authority” and “hospital” repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, **Sch. 1 Pt. IV**
- F7** Words substituted by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 2 para. 5**
- F8** Words substituted by virtue of Land Drainage Act 1976 (c. 70), **Sch. 6 para. 9**
- F9** Definition of “London” repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**
- F10** 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)
- F11** Definition of “notifiable disease” repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**
- F12** Definition of “planning scheme” repealed by Town and Country Planning Act 1947 (c. 51), **Sch. 9 Pt. II**
- F13** Definition substituted by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 2(12)** (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)
- F14** Word repealed (E.W.) by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**
- F15** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F16** 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)

Modifications etc. (not altering text)

- C1** By Factories Act 1961 (c. 34) s. 184(1) it is provided that references to a factory or workshop within the meaning of the Factory and Workshop Acts, 1901 to 1929 shall be construed as references to a factory within the meaning of that 1961 Act
- C2** Definition of vessel extended by Health Services and Public Health Act 1968 (c. 46), **s. 62(1)**

Marginal Citations

- M1** 1967 c. 9.
- M2** 1971 c.40 (50).
- M3** 1976 c. 70.
- M4** 1894 c. 60.
- M5** 1 Edw. 7. c. 22

344 **F17**

Textual Amendments

- F17** S. 344 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

345 **F18**

Textual Amendments

- F18** S. 345 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1, **Sch. 1 Pt. IV**

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346 Repeals.

- (1) . . . ^{F19}
- (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, [^{F20}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) ^{F21}
 - (e) . . . ^{F22}
- (2) ^{F23}
- (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 [^{F24}sections 16(1) and 17(2)(a) of the ^{M6}Interpretation Act 1978], with regard to the effect of repeals.

Textual Amendments

- F19** Words repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)
- F20** Word inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 6 para. 5](#)
- F21** S. 346(1)(d) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1, [Sch. 1 Pt. IV](#)
- F22** S. 346(1)(e)(f) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)
- F23** S. 346(2) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1, [Sch. 1 Pt. IV](#)
- F24** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

Marginal Citations

- M6** [1978 c. 30](#).

347 †Short title, date of commencement and extent.

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

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...^{F25}

(2) This Act shall not extend to Scotland nor, except as otherwise expressly provided, to Northern Ireland ...^{F26}

Textual Amendments

F25 Words repealed by [Statute Law Revision Act 1950 \(c. 6\), Sch. 1](#)

F26 Words repealed by [London Government Act 1963 \(c. 33\), Sch. 18 Pt. II](#)

Modifications etc. (not altering text)

C3 Unreliable marginal note

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