



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART XII

GENERAL

Supplemental as to powers of councils

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 ^{F1} . . . 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) ^{F2}

Textual Amendments

F1 Words in s. 278(3) repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60), ss. 3, 4(2), [Sch. 3 Pt.1](#) (with s. 2(4), [Sch. 2 paras. 10, 14\(1\),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](#)).

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 278. (See end of Document for details)

- F2** Ss. 278(4), 279 repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 69, [Sch. 8 para. 2\(5\)](#), [Sch. 27 Pt.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)

- C1** 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)
- C2** S. 278 applied (with modifications) (13.7.2004) by [London Local Authorities Act 2004](#) (c. i), ss. 1(1), 9, [Sch. 1](#)
- C3** S. 278 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007](#) (c. ii), s. 1(3), [Sch. 1](#)
- C4** 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](#)
- C5** 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](#)

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