



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART XII

GENERAL

Interpretation, transitory provisions, repeals, &c.

343 Interpretation.

^{F1}(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;

[^{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;

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“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 [^{F5}Factories Act 1961];
^{F1}

“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“joint board” means a joint board constituted under this Act or under any Act repealed by this Act, [^{F7}other than] a port health authority;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;

[^{F8} “ land drainage authority ” [^{F9}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;
^{F10}

“Minister” means the [^{F11}Secretary of State];
^{F12}

“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;
^{F13}

“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;

[^{F8} “ 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,^{F14} . . . 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;
^{F15}

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“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, [^{F16}gas], . . . ^{F17}, . . . ^{F18} 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 [^{F19} 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 ^{F20}. . . , but save as aforesaid includes any place in which persons are employed otherwise than in domestic service;

^{F15}
. . .

- (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

- F1** 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
- 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** Words in s. 343(1) substituted (5.11.1993) by [1993 c. 50](#), s. 1(2), [Sch. 2 Pt. II para. 25](#)
- 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** 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\(4\)](#).
- F9** 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](#))
- F10** Definition of “London” repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

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- F11** 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)
- F12** Definition of “notifiable disease” repealed by [Public Health \(Control of Disease\) Act 1984](#) (c. 22, SIF 100:1), s. 78, [Sch. 3](#)
- F13** Definition of “planning scheme” repealed by [Town and Country Planning Act 1947](#) (c. 51), [Sch. 9 Pt. II](#)
- F14** Words in s. 343(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group 3
- F15** S. 343: definitions repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group 3
- F16** Word repealed (E.W.) by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(4), [Sch. 9 Pt. I](#)
- F17** Word repealed by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)
- F18** 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)
- F19** 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))
- F20** 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)

- C1** Definition of vessel extended by [Health Services and Public Health Act 1968](#) (c. 46), [s. 62\(1\)](#)
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Marginal Citations

- M1** [1967 c. 9](#).

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