



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART II

SANITATION AND BUILDINGS

Sanitary conveniences for buildings

45 Buildings having defective closets capable of repair.

- (1) If it appears to a local authority that any closets provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance, but that they can without reconstruction be put into a satisfactory condition, the authority shall by notice require the owner or the occupier of the building to execute such works, or to take such steps by cleansing the closets or otherwise, as may be necessary for that purpose.
- (2) In so far as a notice under this section requires a person to execute works, the provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to the notice.
- (3) In so far as such a notice requires a person to take any steps other than the execution of works, he shall, if he fails to comply with the notice, be liable to a fine not exceeding [^{F1}level 1 on the standard scale] and to a further fine not exceeding [^{F2}£2] for each day on which the offence continues after conviction therefor:
Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the building.
- (4) This section shall not apply . . . ^{F3} to a factory ^{F4} ^{F5} or to a building to which the next succeeding section applies.

Textual Amendments

F1 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 45. (See end of Document for details)

- F2** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**
- F3** Words repealed by [Offices, Shops and Railway Premises Act 1963 \(c. 41\)](#), **Sch. 2**
- F4** Words in S. 45(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group3
- F5** Words repealed by [Factories Act 1937 \(c. 67\)](#), **Sch. 4**

Modifications etc. (not altering text)

- C1** S. 45 excluded by [Offices, Shops and Railway Premises Act 1963 \(c. 41\)](#), **s. 9(6)**
- C2** S. 45 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch. 2**
- C3** S. 45 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C4** S. 45 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**
- C5** S. 45 functions transferred and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Section 45.