



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART II **E+W**

### SANITATION AND BUILDINGS

*Supplemental provisions as to drains, sanitary conveniences, cesspools, &c.*

#### 50 **Overflowing and leaking cesspools.** **E+W**

- (1) If the contents of any cesspool soak therefrom or overflow, the local authority . . .  
<sup>F1</sup> may by notice require the person by whose act, default or sufferance the soakage or overflow occurred or continued to execute such works, or to take such steps by periodically emptying the cesspool or otherwise, as may be necessary for preventing the soakage or overflow:  
Provided that this subsection shall not apply in relation to the effluent from a properly constructed tank for the reception and treatment of sewage, if that effluent is of such a character, and is so conveyed away and disposed of, as not to be prejudicial to health or a nuisance.
- (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 [<sup>F2</sup>level 1 on the standard scale], and to a further fine not exceeding [<sup>F3</sup>£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.

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*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 50. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words repealed by [Water Act 1989](#) (c. 15, SIF 130), ss. 69, 190(3), Sch. 8 para. 2(8), **Sch. 27 Pt.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)
- F2** Words substituted by virtue of [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **s. 46**
- F3** Words substituted by virtue of [Decimal Currency Act 1969](#) (c. 19), **s. 10(1)**

#### **Modifications etc. (not altering text)**

- C1** S. 50 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.
- C2** S. 50 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.
- C3** S. 50 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010](#) (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C4** S. 50 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. 50 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 50.