



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART II

SANITATION AND BUILDINGS

Filthy or verminous premises or articles, and verminous persons.

83 Cleansing of filthy or verminous premises.

[^{F1}(1) Where a local authority, upon consideration of a report from any of their officers, or other information in their possession, are satisfied that any premises—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health, or
- (b) are verminous,

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them, and the notice may require among other things the removal of wallpaper or other covering of the walls, or, in the case of verminous premises, the taking of such steps as may be necessary for destroying or removing vermin.

(1A) A notice under the foregoing subsection may require—

- (a) the interior surface of premises used for human habitation or as shops or offices to be papered, painted or distempered, and
- (b) the interior surface of any other premises to be painted, distempered or whitewashed,

and shall allow the person on whom the notice is served, or the local authority acting in his default, to choose, in a case under paragraph (a) of this subsection, between papering, painting and distempering and, in a case under paragraph (b) of this subsection, between painting, distempering and whitewashing.]

(2) If a person on whom a notice under this section is served fails to comply with the requirements thereof, the authority may themselves carry out the requirements and recover from him the expenses reasonably incurred by them in so doing, and, without

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 83. (See end of Document for details)

prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding [^{F2}level 1 on the standard scale] and to a further fine not exceeding [^{F3}£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 premises.

- (3) Where a local authority take action under paragraph (b) of subsection (1) of this section, their notice may require that they shall be allowed to employ gas for the purpose of destroying vermin on the premises, but in that case the notice shall be served both on the owner and on the occupier of the premises, and the authority shall bear the cost of their operations and may provide temporary shelter or house accommodation for any person compelled to leave the premises by reason of their operations.

[^{F4} (4) This section shall not apply to any premises forming part of a factory or of a mine or quarry within the meaning of the ^{M1} Mines and Quarries Act 1954.]

Textual Amendments

- F1** S. 83(1)(1A) substituted for s. 83(1) by [Public Health Act 1961 \(c. 64\), s. 35\(2\)](#) with saving for notices given under s. 83 before 3.10.1961
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F3** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F4** S. 83(4) added by [Public Health Act 1961 \(c. 64\), s. 35\(3\)](#) with saving for notices given under s. 83 before 3.10.1961

Modifications etc. (not altering text)

- C1** S. 83 amended by [Public Health Act 1961 \(c. 64\), s. 36](#)
- C2** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\), s. 68\(1\)\(a\)](#)
- C3** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773, art. 8, Sch.2.](#)
- C4** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913, art. 8, Sch.2.](#)
- C5** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\), arts. 1, 4, Sch.](#)
- C6** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\), arts. 1\(1\), 4, Sch.](#)
- C7** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\), arts. 1\(1\), 4, Sch.](#)
- C8** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\), arts. 1\(1\), 4, Sch.](#)
- C9** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\), arts. 1\(1\), 4, Sch. \(with art. 2\)](#)
- C10** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\), arts. 1\(1\), 9, Sch. 2](#)
- C11** Ss. 83-86 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](#)
- C12** Ss. 83-86 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\(3\)\)](#)

Marginal Citations

- M1** 1954 c. 70.

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Section 83.