



Towns Improvement Clauses Act 1847

1847 CHAPTER 34 10 and 11 Vict

Nuisances

And with respect to the prevention of nuisances, be it enacted as follows:

99 Stagnant pools of water and other annoyances to be removed.

No person shall suffer any waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him within the limits of the special Act, so as to be a nuisance; and every person who so suffers any such water to remain for forty-eight hours after receiving notice from the commissioners to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom, to the annoyance of the occupiers of any adjoining property, shall for every such offence be liable to a penalty not exceeding [^{F1}£25][^{F2}level 1 on the standard scale], and to a further penalty not exceeding [^{F3}25p] for every day during which such nuisance continues; and the commissioners may drain and cleanse out any stagnant pools, ditches, or ponds of water within the limits of the special Act, and abate any such nuisance as aforesaid, and for that purpose may enter, by their officers and workmen, into and upon any building or land within the said limits at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expences incurred thereby shall be paid by the person committing such offence, or occupying the building or land whence such annoyance proceeds, and if there be no occupier, by the owner of such building or land, and shall be recoverable as damages.

Textual Amendments

- F1** “level 1 on the standard scale” substituted (E.W.) for “£25” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)
- F2** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\), s. 31\(5\)\(6\)\(9\)](#)
- F3** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the Towns Improvement Clauses Act 1847, Cross Heading: Nuisances. (See end of Document for details)

100 Regulations to prevent accumulation of dung, &c.

If the dung or soil of any stable, cowhouse, or pigstye, or other collection of refuse matter, elsewhere than in any farmyard, be at any time allowed to accumulate within the limits of the special Act for more than thirty days, or for more than seven days after a quantity exceeding one ton has been collected in any place not allowed by the commissioners, such dung, soil, or refuse, if not removed within forty-eight hours after notice from any officer of the commissioners for that purpose, shall become the property of the commissioners, and they, or any person with whom they have at that time any subsisting contract for the removal of refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the special Act.

101 On certificate of the officer of health, filth to be removed.

If at any time the officer of health, or, if for the time being there be no officer of health, any two surgeons or physicians, or one surgeon and one physician, residing within the limits of the special Act, certify under his or their hand to the commissioners that any accumulation of dung, soil, or filth, or other noxious or offensive matter, within the limits of the special Act, ought to be removed, as being injurious to the health of the inhabitants, the clerk to the commissioners shall forthwith give notice to the owner or reputed owner of such dung, soil, or filth, or to the occupier of the land where the same are, to remove the same within twenty-four hours after such notice; and in case of failure to comply with such notice, the said dung, soil, or filth shall thereupon become vested in the commissioners, and they, or any person with whom they have at that time contracted for the removal of all such refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the special Act.

102 Houses to be whitewashed and purified, on certificate of officer of health, &c.

If at any time the officer of health, or, if for the time being there be no officer of health, any two surgeons or physicians, or one surgeon and one physician, residing within the said limits, certify under his or their hands to the commissioners that any house or part of any house or building within the limits of the special Act is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any house or building or any part thereof would tend to prevent or check infectious or contagious disease therein, or that any drain, privy, or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the commissioners shall order the occupier of such house or part thereof to whitewash, cleanse, and purify the same, and the owner of such drain, privy, or cesspool to amend the condition thereof, in such manner and within such time as the commissioners deem reasonable; and if such occupier or owner do not comply with such order, he shall be liable to a penalty not exceeding [F⁴50p] for every day's neglect thereof; and in such case the commissioners may cause such house or any part thereof to be whitewashed, cleansed, and purified, or the condition of such drain, privy, or cesspool to be amended, and may recover the expence thereof from such occupier or owner, in the same manner as damages.

Textual Amendments

F4 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the Towns Improvement Clauses Act 1847, Cross Heading: Nuisances. (See end of Document for details)

103 No interment in any grave without leaving two feet six inches clear of soil above the coffin.

No coffin containing a corpse shall be buried in any grave within the limits of the special Act, not being a vault or catacomb without at least thirty inches of soil between the ordinary surface of such burial ground and the upper side of the coffin; and if the person having the preparation or the immediate charge of the preparation of the grave to receive such coffin permit the coffin to be buried in such grave, or if the person having the control of the burial ground knowingly permit any coffin to be buried in any grave, in which there is not left after the burial thereof thirty inches at least of soil, measuring from the ordinary surface of such burial ground to the upper side of the coffin, the person having the immediate charge of the preparation of the grave, and the person having the control of the burial ground in which such burial is made, shall for every such offence be liable to a penalty not exceeding [^{F5}£25][^{F5}level 1 on the standard scale].

Textual Amendments

- F5** “level 1 on the standard scale” substituted (E.W.) for “£25” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)
- F6** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\)](#), [s. 31\(5\)\(6\)\(9\)](#)

104 Justices may order nuisances to be abated.

If any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any pigstye, necessary house, dunghill, manure heap, or any manufactory, building, or place of business, within the limits of the special Act, be at any time certified to the commissioners by the inspector of nuisances or officer of health, or, if for the time being there be no inspector of nuisances or officer of health, by any two surgeons or physicians, or one surgeon and one physician, to be a nuisance or injurious to the health of the inhabitants, the commissioners shall direct complaint to be made before two justices; and any justice may summon before any two justices the person by or on whose behalf the work complained of is carried on, and such justices shall inquire into such complaint, and they may, by an order in writing under their hands, order such persons to discontinue or remedy the nuisance within such time as to them shall appear expedient: Provided always, that if it appear to such justices that in carrying on any business complained of the best means then known to be available for mitigating the nuisance or the injurious effects of such business have not been adopted, they may suspend their final determination, upon condition that the person so complained against shall undertake to adopt within a reasonable time such means as the said justices shall judge to be practicable, and order to be carried into effect, for mitigating or preventing the injurious effects of such business.

105 Penalty for disobedience of orders of justices.

If any such nuisance, or the cause of any such injurious effects as aforesaid, be not discontinued or remedied within such time as shall be ordered by the said justices, the person by or on whose behalf the business causing such nuisance is carried on shall be liable to a penalty not exceeding five pounds for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid: Provided always, that when any person who thinks himself aggrieved by

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any such order shall, according to the provisions of this or the special Act, appeal against any such order, such person shall not be liable to discontinue or remedy the nuisance or cause of the injurious effects mentioned therein, or to pay any penalty, until after the expiration of five days after the determination of such appeal and the confirmation of such order, unless such appeal cease to be prosecuted.

106 Commissioners to order costs of prosecutions to be paid out of the rates.

The commissioners may direct any prosecution for any public nuisance whatsoever created, permitted, or suffered within the limits of the special Act, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this or the special Act, or of any Act incorporated therewith, and may order the expences of such prosecution or other proceedings to be paid out of the rates authorized to be imposed under the provisions of this and the special Act.

107 Act not to affect nuisances at common law.

Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be, deemed to be a nuisance at common law, nor to exempt any person guilty of nuisance at common law from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

108 F7

Textual Amendments
F7 S. 108 repealed by [Clean Air Act 1956 \(c. 52\)](#), [Sch. 4](#)

Changes to legislation:

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