



Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

PART VII

LEGAL PROCEEDINGS

Prosecution of Offences and Recovery of Penalties, &c.

251 Summary proceedings for offences, penalties, &c. ^{F1}

All offences under this Act, and all penalties forfeitures costs and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

Textual Amendments

F1 S. 251 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

Modifications etc. (not altering text)

C1 S. 251 applied by S.I. 1986/567, **art. 4** Table

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875, Part VII. (See end of Document for details)

Textual Amendments

F2 S. 252 repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), **Sch.**

253 **F3**

Textual Amendments

F3 S. 253 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

254 **F4**

Textual Amendments

F4 S. 254 repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), **Sch. 7 Pt. III**

255 **F5**

Textual Amendments

F5 S. 255 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

256, **F6**
257.

Textual Amendments

F6 Ss. 256, 257 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

^{F7}258 **Justices may act though members of local authority or liable to contribute.**

No justice of the peace shall be deemed incapable of acting in cases arising under this Act . . . ^{F8} by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund, out of which any expenses incurred by such authority are under this Act to be defrayed.

Textual Amendments

F7 S. 258 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F8 Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), **Sch. 7 Pt. I**

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259, ^{F9}
260.

Textual Amendments

F9 Ss.259, 260 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

^{F10}**261 Demands below 50L. may be recovered in county court.**

Proceedings for the recovery of demands below fifty pounds, which local authorities are empowered to recover in a summary manner, may, at the option of the local authority, be taken in the county court as if such demands were debts within the cognizance of such courts.

Textual Amendments

F10 S. 261 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

262 ^{F11}

Textual Amendments

F11 Commentary Missing

263 ^{F12}

Textual Amendments

F12 S. 263 repealed by [Perjury Act 1911 \(c. 6\)](#), [Sch.](#)

264 ^{F13}

Textual Amendments

F13 S. 264 repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), [Sch.](#)

265 Protection of local authority and their officers from personal liability.

No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever;

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and any expense incurred by any such authority member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to [^{F14}make any payment in pursuance of section 19 or 20 of the Local Government Finance Act 1982].

Textual Amendments

F14 Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, [Sch. 5 para. 1](#)

Modifications etc. (not altering text)

C2 S. 265 extended by [Public Health Act 1936 \(c. 49\)](#), s. 305, [Control of Pollution Act 1974 \(c. 40\)](#), s. 86(1), [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), s. 39 and [National Health Service Act 1977 \(c. 49\)](#), s. 125

C3 S. 265 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), [Sch. 7 para. 15](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

Notices

^{F15}266 Notices, &c. may be printed or written.

Notices orders and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the local authority, the signature thereof by the [^{F16}proper officer of the authority] shall be sufficient authentication.

Textual Amendments

F15 S. 266 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F16 Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 Pt. I para. 4\(1\)\(a\)](#)

^{F17}267 Service of notices.

Notices orders and any other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice order or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the “owner or “occupier of the premises (naming them) in respect of which the notice is given, without further name or description.

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Textual Amendments

F17 S. 267 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

268 **F18**

Textual Amendments

F18 S. 268 repealed by Highways Act 1959 (c. 25), Sch. 25

Appeal

F19 **269 Appeal to quarter sessions.**

Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order conviction judgment or determination of or by any matter or thing done by any court of summary jurisdiction, such person may appeal therefrom, subject to the conditions and regulations following:

- (1) The appeal shall be made to [^{F20}the Crown Court][^{F21}for the county division or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made:
- (2) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal, and of the ground thereof:
- (3) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow:
- (4) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody]:
- (5) On appeals under this Act against any rate the court of appeal shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in [^{F20}the Crown Court] with respect to amending or quashing any rate or assessment, or awarding costs, on appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeals: Provided that, notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of appeal think fit so to order, be levied as if no appeal had been made, and such moneys, when paid, shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made:
- (6) [^{F21}In the case of other appeals the court of appeal may if it thinks fit adjourn the appeal, and on the hearing thereof may confirm reverse or modify the decision of the

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court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:

- (7) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court].

Textual Amendments

- F19** S. 269 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith
- F20** Words substituted by virtue of [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)
- F21** Words repealed, in relation to an appeal against an order on conviction of a court of summary jurisdiction, by [Summary Jurisdiction Act 1884 \(c. 43\)](#), [Sch.](#)

Modifications etc. (not altering text)

- C4** Reference to rates for the relief of the poor to be construed as reference to general rate: [General Rate Act 1967 \(c. 9\)](#), s. [116\(2\)](#)

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