



# Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

## PART VII

### LEGAL PROCEEDINGS

*Prosecution of Offences and Recovery of Penalties, &c.*

#### <sup>F1</sup>251 Summary proceedings for offences, penalties, &c.

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. <sup>F2</sup> . . .

#### 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**F1** S. 251 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt.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

**F2** Words in s. 251 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Group 1.

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

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

#### 252 ..... <sup>F3</sup>

#### Textual Amendments

**F3** S. 252 repealed by Summary Jurisdiction Act 1884 (c. 43), **Sch.**

*Status: Point in time view as at 01/01/2015.*

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

253 ..... F4

**Textual Amendments**  
F4 S. 253 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

254 ..... F5

**Textual Amendments**  
F5 S. 254 repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. III](#)

255 ..... F6

**Textual Amendments**  
F6 S. 255 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

256, ..... F7  
257.

**Textual Amendments**  
F7 Ss. 256, 257 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

<sup>F8</sup>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 . . . <sup>F9</sup> 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**  
F8 S. 258 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt.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  
F9 Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. I](#)

259, ..... F10  
260.

*Status: Point in time view as at 01/01/2015.*

*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**

**F10** Ss.259, 260 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

**F11** **261** .....

**Textual Amendments**

**F11** [S. 261](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. X** Group1.

**262** ..... **F12**

**Textual Amendments**

**F12** Commentary Missing

**263** ..... **F13**

**Textual Amendments**

**F13** [S. 263](#) repealed by [Perjury Act 1911 \(c. 6\)](#), **Sch.**

**264** ..... **F14**

**Textual Amendments**

**F14** [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; 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 [<sup>F15</sup>make any payment in pursuance of section 17 or 18 of the Audit Commission Act 1998].

*Status: Point in time view as at 01/01/2015.*

*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

**F15** Words in s. 265 substituted (11.9.1998) by virtue of 1998 c. 18 ss. 54(1), 55(2), Sch. 3 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) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 15 (with ss. 7(6), 115, 117)
- C4** S. 265 applied (with modifications) (22.7.2004) by Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, 19
- C5** S. 265 applied (with modifications) (22.7.2004) by Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, 19
- C6** S. 265 modified (1.3.2007) by National Health Service Act 2006 (c. 41), ss. 69, 277(1)
- C7** S. 265 modified (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 273, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- C8** S. 265 modified (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 246, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- C9** S. 265 modified (1.1.2015) by Care Act 2014 (c. 23), s. 127, Sch. 7 para. 18(7)(8); S.I. 2014/2473, art. 5(m)

#### Notices

#### <sup>F16</sup>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 [<sup>F17</sup>proper officer of the authority] shall be sufficient authentication.

#### Textual Amendments

- F16** 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
- F17** Words substituted by virtue of Local Government Act 1972 (c. 70), Sch. 29 Pt. I para. 4(1)(a)

#### <sup>F18</sup>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.

*Status: Point in time view as at 01/01/2015.*

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

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.

**Textual Amendments**

**F18** 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** ..... **F19**

**Textual Amendments**

**F19** S. 268 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

*Appeal*

**F20** **269** .....

**Textual Amendments**

**F20** S. 269 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. X** Group 1.

**Status:**

Point in time view as at 01/01/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1875, Part VII.