



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F1 S. 251 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt.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Status: Point in time view as at 01/02/1991.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, Cross Heading: Prosecution of Offences and Recovery of Penalties, &c.. (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F2 S. 252 repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), **Sch.**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F3 S. 253 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**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F4 S. 254 repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), **Sch. 7 Pt.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F5 S. 255 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt.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F6 Ss. 256, 257 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**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)

Status:

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