



Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

PART IX

LOCAL GOVERNMENT BOARD

Provisional Orders by Board

297 ^{x1}**As to provisional orders made by Local Government Board.**

With respect to provisional orders authorised to be made by [^{F1}the Secretary of State] under this Act, the following enactments shall be made:—

- (1) [^{F1}The Secretary of State] shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates:
- (2) Before making any such provisional order, [^{F1}the Secretary of State] shall consider any objections which may be made thereto by any person affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:
- (3) [^{F1}The Secretary of State] may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:
- (4) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:
- [^{F2}(5) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, any Order in Council made in pursuance of any of the Sanitary Acts, and any order made under this Act and brought into operation in accordance

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875, Section 297. (See end of Document for details)

with the provisions of the ^{M1}Statutory Orders (Special Procedure) Act 1945, may be repealed, altered or amended—

- (a) in the case of an Act confirming a provisional order made under section 279 of this Act or an order amending such an Act, by an order made by the [^{F3}Secretary of State] which shall be subject to special parliamentary procedure;
 - (b) in any other case, by a provisional order made by that Minister and confirmed by Parliament:]
- (6) [^{F1}The Secretary of State] may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:
- (7) The making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:
- (8) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Editorial Information

- X1** Unreliable marginal note

Textual Amendments

- F1** Words substituted by virtue of [Ministry of Health Act 1919 \(c. 21\)](#), s. 3(1)(a), [Sch. 1 para. 1](#), [S.I. 1951/142](#) (1951 I, p. 1348), arts. 3, 5(2), [Sch. Pt. I](#), [1951/1900](#) (1951 I, p. 1347), art. 1, (W.) [1965/319](#), arts. 2(1), 10(1), [Sch. 1 Pt. I](#) and [1970/1681](#), arts. 2(1), 6(3)
- F2** [S. 297\(5\)](#) substituted by [S.I. 1962/409](#), [art. 4\(1\)](#)
- F3** Words substituted by virtue of [S.I. 1965/319](#), arts. 2(1), 10(1), [Sch. 1 Pt. I](#) and [1970/1681](#), arts. 2(1), 6(3)

Modifications etc. (not altering text)

- C1** [S. 297](#) amended by [S.I. 1949/2393](#) (1949I, p. 3973), art. 2, [Sch. 1](#) and [1962/409](#), arts. 3, 4

Marginal Citations

- M1** [1945 c. 18 \(9 & 10 Geo. 6\)](#).

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1875, Section 297.