



Public Health (Scotland) Act 1897

1897 CHAPTER 38 60 and 61 Vict

F1

An Act to consolidate and amend the Laws relating to the Public Health in Scotland. [6th August 1897]

Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Modifications etc. (not altering text)

- C1** Act extended by [Factories Act 1961 \(c. 34\)](#), s. 182(9) and [Health Services and Public Health Act 1968 \(c. 46\)](#), s. 62; amended by [Health Services and Public Health Act 1968 \(c. 46\)](#), s. 73 and [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 142
- C2** Act amended (S.) (27.8.1993) by 1993 c. 11, ss. 17(1), 68(2) (with s. 66(1), Sch. 3 para. 2)

Preliminary

F¹1 **Short title.**

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

F12 Extent and commencement of Act.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F13 Definitions.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

4 **F2**

Textual Amendments

F2 [Ss. 4, 7, 9, 10](#) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

PART I

AUTHORITIES FOR EXECUTION OF ACT

Central Authority

F15 Local Government Board to be central authority.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

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F16 Powers of Board to inquire into sanitary conditions of district.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

7 **F3**

Textual Amendments

F3 [Ss. 4, 7, 9, 10](#) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

F18 Power to Board to appoint commissioners for conducting special inquiries.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

9, 10. **F4**

Textual Amendments

F4 [Ss. 4, 7, 9, 10](#) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

11 **F5**

Textual Amendments

F5 [S. 11](#) repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

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Local Authorities

F1 12 Local authorities for the purposes of the Act.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

13, 14. **F6**

Textual Amendments

F6 [Ss. 13, 14](#) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

15 **F7**

Textual Amendments

F7 [S. 15](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

PART II

SANITARY PROVISIONS

Modifications etc. (not altering text)

C3 Part II amended by [Mines and Quarries Act 1954 \(c. 70\)](#), [s. 151\(2\)\(3\)\(5\)](#), and [Clean Air Act 1956 \(c. 52\)](#), [s. 16](#)

General Nuisances

F8 16

Textual Amendments

F8 [S. 16](#) repealed (1.4.1996) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)

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F⁹17

Textual Amendments

F9 S. 17 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F¹⁰18

Textual Amendments

F10 S. 18 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F¹¹19

Textual Amendments

F11 S. 19 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F¹²20

Textual Amendments

F12 S. 20 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F¹³21

Textual Amendments

F13 S. 21 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F¹⁴22

Textual Amendments

F14 S. 22 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

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F15 **23**

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Textual Amendments

F15 S. 23 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F16 **24**

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Textual Amendments

F16 S. 24 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F17 **25**

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Textual Amendments

F17 S. 25 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F18 **26**

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Textual Amendments

F18 S. 26 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F1 **27** **Articles removed to be sold.**
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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

28 F19

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Textual Amendments

F19 S. 28 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

29 **F20**

Textual Amendments

F20 S. 29 repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 66(2), **Sch. 4 Pt. 1**

F130 **Penalty for injuring closet, &c. so as to cause nuisance.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F131 **Waterclosets, &c. used in common.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Offensive Trades

32 **Prohibition or regulation of certain offensive businesses, and byelaws as to offensive businesses.**

- (1) If any person after the commencement of this Act establishes, without the sanction of the local authority, the following businesses, or any of them; that is to say, the business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter, knacker, tanner, tripe boiler, gut or tripe cleaner, skinner or hide factor, slaughterer of cattle or horses, or any other business which the local authority may declare, by order confirmed by the Board and published in the Edinburgh Gazette, to be an offensive business, he shall be liable to a fine not exceeding [^{F21}level 2 on the standard scale]

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in respect of the establishment thereof, and any person carrying on the same after a conviction for the establishment thereof shall be liable to a penalty not exceeding twenty-five pounds for every day during which he so carries on the same.

- (2) The local authority shall give their sanction by order, but, at least fourteen days before making any such order, shall make public the application for it, by advertisement in one or more local newspapers, or by the posting of handbills in the locality, setting forth the time and place at which they will be willing to hear all persons objecting to the order, and they shall consider any objections made at that time and place, and shall grant or withhold their sanction as they think expedient, and where the local authority grants or withholds such sanction, any person aggrieved may appeal to the Board, whose decision shall be final . . . ^{F22}
- (3) The local authority may make byelaws for regulating the conduct of any businesses within the meaning of this section, and of section thirty-seven of this Act, which are for the time being lawfully carried on in their district, and the structure of the premises in which any such business is being carried on, in order to prevent or diminish the noxious or injurious effect thereof, and the mode in which the said application is to be made.
- (4) Any such byelaw may, in addition to any pecuniary penalty imposed by such byelaw, empower a sheriff by summary order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which such byelaw relates, as a punishment for breaking the same, and any person disobeying such order shall be liable to a penalty not exceeding twenty-five pounds for every day during which such disobedience continues; and the decision of the sheriff under this sub-section shall be appealable to the Lord Ordinary on the Bills in manner provided by section one hundred and fifty-six of this Act.
- (5) There shall be charged for an order of the local authority under this section, such fee not exceeding [^{F23}£2] as the local authority may fix.
- (6) For the purposes of this section a business shall be deemed to be established after the commencement of this Act not only if it is established newly, but also if it is removed from any one set of premises to any other premises, or if it is renewed on the same set of premises after having been discontinued for a period of twelve months or upwards, or if any premises on which it is for the time being carried on are enlarged without the sanction of the local authority; but a business shall not be deemed to be established anew on any premises by reason only that the ownership or occupancy of such premises is wholly or partially changed, or that the building in which it is established, having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Textual Amendments

- F21** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F22** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27**
- F23** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**

Modifications etc. (not altering text)

- C4** Reference to Lord Ordinary on the Bills to be construed as reference to a judge sitting in the Outer House: [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#), **s. 3**
- C5** [S. 32](#) amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, **Sch. 1 Pt. II para. 13**

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- S. 32 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. II para.11** (with ss. 42, 46).
- C6** S. 32 excluded by **Environmental Protection Act 1990** (c. 43, SIF 46:4), **s. 84(2)(a)**
- C7** Power to repeal conferred by **Environmental Protection Act 1990** (c. 43, SIF 46:4) s. 84(4)(b)

33 **F24**

Textual Amendments

- F24** S. 33 repealed by **Slaughter of Animals (Scotland) Act 1980** (c. 13, SIF 112), s. 24(2), **Sch. 3**

34 **F25**

Textual Amendments

- F25** S. 34 repealed by **Slaughterhouses Act 1954** (c. 42), **Sch. 2**

F135 **Local authorities may make byelaws as to pigstyes.**

Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by **Public Health etc. (Scotland) Act 2008** (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F2636

Textual Amendments

- F26** S. 36 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

F2737

Textual Amendments

- F27** S. 37 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I 1996/186, art. 3

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Scavenging and Cleansing

38 ^{F28}

Textual Amendments

F28 S. 38 repealed by Local Government (Scotland) Act 1947 (c. 43), s. 381, **Sch. 14**

39 ^{F29}

Textual Amendments

F29 S. 39 repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), **Sch. 11**

^{F1}**40** **Houses in filthy state to be purified.**
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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

^{F1}**41** **Provision for obtaining order for cleansing offensive ditches lying near to or forming boundaries of districts.**
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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

^{F1}**42** **Periodical removal of manure from mews and other premises.**
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Textual Amendments

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43 **F30**

Textual Amendments

F30 S. 43 repealed by [Food and Drugs \(Scotland\) Act 1956 \(c. 30\)](#), **Sch. 3**

PART III

GENERAL PREVENTION AND MITIGATION OF DISEASE

Infectious Diseases.—Notification

F1 44 **Notification of infectious disease.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Infectious Diseases—Prevention

45 **F31**

Textual Amendments

F31 S. 45 repealed by [Health Services and Public Health Act 1968 \(c. 46\)](#), **Sch. 4**

F1 46 **Provision of means for disinfecting bedding, &c.**

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Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 47 **Cleansing and disinfecting of premises, &c.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 48 **Disinfection of bedding. &c.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

49 **Persons engaged in washing or mangling clothes to furnish list of owners of clothes in certain cases.**

F1

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 50 **Infectious matter thrown into ash-pits, &c. to be disinfected.**

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Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

^{F1}51 Penalty on letting houses in which infected persons have been lodging.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

^{F1}52 Penalty on persons letting houses making false statements as to infectious disease.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

^{F1}53 Penalty on ceasing to occupy house without disinfection or notice to owner, or on making false answer.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

F154 Removal to hospital of infected persons without proper lodging.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F155 Detention of infected persons without proper lodging in hospital.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F156 Penalty on exposure of infected persons and things.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F157 Penalty on sending child to school, so as to spread infection.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

F1 58 Prohibitions on infected person carrying on business

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 59 Prohibition on conveyance, &c. of infected person in public conveyance.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

60, 61. F32

Textual Amendments

F32 Ss. 60, 61 repealed by [Milk and Dairies \(Scotland\) Act 1914 \(c. 46\)](#), s. 31, [Sch.](#)

F1 62 Prohibition of retention of dead body in certain cases.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 63 Body of person dying of infectious disease in hospital, &c. to be removed only for burial.

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Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 64 Disinfection of public conveyances if used for carrying corpses.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 65 Byelaws as to public conveyances.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Hospitals and Ambulances

F1 66 Power of local authority to provide hospitals.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F33 Ss. 67, 77 repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), [Sch. 11 Pt. II](#)

Mortuaries, &c.

F1 68 Power of local authority to provide mortuaries.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 69 Power of sheriff, &c. in certain cases to order removal of dead body to mortuary.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 70 Power of local authority to provide places for post-mortem examinations.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 71 Power to sanitary authorities to unite for providing mortuary.

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Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Byelaws as to Houses let in Lodgings

^{F1}72 Power of local authority to make byelaws as to lodging-houses.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Tents and Vans

73 Tents and vans used for human habitation.

(1) A tent, van, shed, or similar structure, used for human habitation, which is in such a state as to be a nuisance or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, shall be a nuisance liable to be dealt with summarily under this Act.

^{F1}(2)

^{F1}(3)

^{F1}(4)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Modifications etc. (not altering text)

C8 [S. 73](#) extended by [S.I. 1965/1536](#), [Sch. 3](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Underground Dwellings

F174 Rules as to underground dwellings.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F175 Penalty on letting underground dwellings.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F176 Cases in which two convictions have occurred within three months.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

77 **F34**

Textual Amendments

- F34** [Ss. 67, 77](#) repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), [Sch. 11 Pt. II](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

PART IV

78— F35
88.

Textual Amendments

F35 Ss. 78–88 repealed with saving by [Public Health \(Scotland\) Act 1945 \(9 & 10 Geo. 6 c. 15\)](#), s. 2

PART V

REGULATION OF COMMON LODGING-HOUSES

F189 **Common lodging-houses to be registered.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F190 **No lodger to be received in common lodging-house till it has been inspected and registered.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F191 **Evidence of register.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Modifications etc. (not altering text)

- C9** Reference to “twopence” to be read as reference to equivalent amount in new currency: [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

F192 Power to local authority to make byelaws.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\), s. 128\(2\), sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F193 Copy of bye-laws, to be furnished gratis to keepers.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\), s. 128\(2\), sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F194 Power to local authority to require additional supply of water.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\), s. 128\(2\), sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F195 Power to local authority to order reports from keepers.

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Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F196 Local authority may remove sick persons to hospitals, &c.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F197 As to giving notice of fever, &c. occurring.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F198 Inspection.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F199 Cleansing.

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Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 100 Conviction for third offence, &c. to disqualify persons from keeping common lodging-houses.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

PART VI

SEWERS, DRAINS, AND WATER SUPPLY

Sewers and Drains

101— **F36**
112.

Textual Amendments

F36 Ss. 101–112 repealed by [Sewerage \(Scotland\) Act 1968 \(c. 47\)](#), [Sch. 2](#)

113 **F37**

Textual Amendments

F37 S. 113 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

114, **F38**
115.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F38 Ss. 114, 115, 117 repealed by Sewerage (Scotland) Act 1968 (c. 47), **Sch. 2**

^{F1}116 Distilleries, &c. to deposit refuse.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Modifications etc. (not altering text)

C10 S. 116 amended by Radioactive Substances Act 1960 (c. 34), s. 9, **Sch. 1 Pt. II para. 13**
S. 116 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. II para.11** (with ss. 42, 46).

117 **F39**

Textual Amendments

F39 Ss. 114, 115, 117 repealed by Sewerage (Scotland) Act 1968 (c. 47), **Sch. 2**

118 **F40**

Textual Amendments

F40 S. 118 repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

119, **F41**
120.

Textual Amendments

F41 Ss. 119, 120 repealed by Sewerage (Scotland) Act 1968 (c. 47), **Sch. 2**

121 **F42**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F42 S. 121 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

122 **F43**

Textual Amendments

F43 S. 122 repealed by [Sewerage \(Scotland\) Act 1968 \(c. 47\)](#), **Sch. 2**

^{F1}123 **Works of distribution of sewage to be deemed a land improvement.**

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

124— **F44**
130.

Textual Amendments

F44 Ss. 124–130 repealed by [Water \(Scotland\) Act 1946 \(c. 42\)](#), **Sch. 5**

131 **F45**

Textual Amendments

F45 S. 131 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**

132 **F46**

Textual Amendments

F46 S. 132 repealed by [Water \(Scotland\) Act 1946 \(c. 42\)](#), **Sch. 5**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

PART VII

RATING AND BORROWING POWERS

133, **F47**
134.

Textual Amendments

F47 Ss. 133, 134 repealed by [Burgh Sewerage, Drainage and Water Supply \(Scotland\) Act 1901 \(c. 24\)](#), [Sch.](#) and [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

135, **F48**
136.

Textual Amendments

F48 Ss. 135, 136 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

137 **F49**

Textual Amendments

F49 S. 137 repealed by [Water \(Scotland\) Act 1946 \(c. 42\)](#), [Sch. 5](#)

138 **F50**

Textual Amendments

F50 S. 138 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 138, [Sch. 14](#)

Borrowing Powers

139 **F51**

Textual Amendments

F51 S. 139 repealed by [Sewerage \(Scotland\) Act 1968 \(c. 47\)](#), [Sch. 2](#)

140 **F52**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F52 S. 140 repealed by [Water \(Scotland\) Act 1946 \(c. 42\)](#), [Sch. 5](#)

^{F1}141 Power of borrowing for hospitals, &c.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

142, **^{F53}**
143.

Textual Amendments

F53 Ss. 142, 143 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

PART VIII

ACQUISITION OF LANDS

^{F1}144 Power to acquire lands.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

^{F1}145 Regulations as to compulsory purchase of land, &c.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

PART IX

LEGAL PROCEEDINGS

Enforcement of and Procedure under Act

F1 146 Procedure if local authority neglect its duty under Act. Procedure under 18 & 19 Vict. c. 68.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

147 **F54**

Textual Amendments

F54 Ss. 147, 152, 159, 160, 167 repealed by Local Government (Scotland) Act 1947 (c. 43), s. 381, **Sch. 14**

F1 148 Procurator fiscal may sue by directions of Board.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 149 Procedure where nuisance beyond district.

.....

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 150 Local authority may require payment of costs, &c from owner or occupier, and occupier paying to deduct from rent.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 151 Penalty for wilful damage of works.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

152 **F55**

Textual Amendments

F55 Ss. 147, 152, 159, 160, 167 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

F1 153 Recovery of penalties.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 154 Form of applications to the sheriff, &c.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 155 No written pleadings &c. allowed.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 156 Appeal in certain cases.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 156A Appeal to sheriff or sheriff principal in certain cases: sections 54, 55 and 96

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 156B Further appeal to sheriff principal: section 96 decision

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 156C Further appeal to Court of Session: sections 54, 55 and 96

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 156D Effect of appeal in relation to section 54 order, section 55 direction or section 96 decision

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 157 No appeal otherwise.

.....

Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

^{F1}158 Justices, &c. being members of local authority may act.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

159, ^{F56}
160.

Textual Amendments

F56 Ss. 147, 152, 159, 160, 167 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

161 One or more joint owners may be proceeded against alone.

In case of any demand or complaint under this Act to which two or more parties, whether as owners or occupiers of premises, may be jointly answerable, it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them, and any one or more of such persons may be proceeded against, notwithstanding that the acts or defaults of any one or more of them would not separately be an offence against this Act; but nothing herein contained shall prevent the parties so proceeded against from recovering relief in any case in which they would now be entitled to relief by law. Proceedings against several persons included in one demand or complaint shall not lapse by reason of the death of any one or more of such persons, but all such proceedings may be carried on as if the deceased persons had not been originally so included. Whenever in any proceeding under the provisions of this Act relating to nuisances it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the owner or occupier of such premises without name or further description.

Modifications etc. (not altering text)

C11 S. 161 applied (27.8.1993) by [1993 c. 11](#), ss. [62\(2\)\(a\)\(i\)](#), [68\(2\)](#).

^{F1}162 Penalty on occupier obstructing owner.

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Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

^{F1}163 Penalty for violating Act or obstructing its execution.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

164 Compensation to be made.

Full compensation shall be made, out of any fund or assessment applicable to the purposes of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act, except when otherwise specially provided; and in case of dispute, if the sum claimed do not exceed the sum of fifty pounds sterling, the same may be ascertained on a summary application by either party to the [^{F57}sheriff or sheriff principal], whose decision shall be final and not subject to review, unless when pronounced by the [^{F57}sheriff], in which case it may be reviewed by the [^{F57}sheriff principal] on appeal; and when the sum claimed exceeds fifty pounds sterling, such compensation shall be ascertained and disposed of by a sole arbiter appointed in manner set forth in sub-section eleven of section one hundred and forty-five of this Act.

Textual Amendments

- F57** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4

Modifications etc. (not altering text)

- C12** S. 164 applied (27.8.1993) by [1993 c. 11](#), ss. [62\(2\)\(a\)\(i\)](#), [68\(2\)](#).

^{F1}165 Convictions not void for want of form.

.....

Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 166 Local authority or Board not liable for irregularity of their officers.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

167 **F58**

Textual Amendments

F58 Ss. 147, 152, 159, 160, 167 repealed by Local Government (Scotland) Act 1947 (c. 43), s. 381, **Sch. 14**

F1 168 Exemption from stamp duties.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 169 Police constables to aid in executing Act.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

F1 170 Act not to impair right of action, &c.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 171 Powers of Act cumulative.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

PART X

PORT SANITARY AUTHORITY

F1 172 Constitution of port local authorities.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 173 Jurisdiction of port local authority.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 174 Delegation of powers by port local authority.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 175 Expenses of port local authority.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

F1 176 Proceedings for raising a sum for payment of debt within district of a defaulting authority.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

PART XI

MISCELLANEOUS

Provisions as to Ships

F1 177 Provision as to ships within the jurisdiction of local authority.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

F1 178 Provision as to district of local authority extending to places where ships are lying.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

179, F59 **180.**

Textual Amendments

- F59** Ss. 179, 180 repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), [Sch. 11 Pt. II](#)

181, F60 **182.**

Textual Amendments

- F60** Ss. 181, 182 repealed by [Building \(Scotland\) Act 1959 \(c. 24\)](#), [Sch. 10](#)

183— F61 **188.**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

F61 Ss. 183–188 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**

PART XII

SAVING CLAUSES AND REPEALS

Saving Clauses

^{F1}189 Act not to affect navigation of rivers or canals, or irrigation of lands.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

^{F1}190 Saving of certain Acts.

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Textual Amendments

F1 Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/9, art. 2(b), **sch. 2**, S.S.I. 2009/319, art. 2(a), **sch. 1** (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), **sch. 3**

191, **^{F62}**
192.

Textual Amendments

F62 Ss. 191, 192 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

^{F1}193 Reference to Public Health Acts.

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Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

^{F1}194 Exemption of Government property from building regulations.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

195 ^{F63}

Textual Amendments

- F63** S. 195 repealed by [Aberdeen Corporation \(Administration Finance &c.\) Order Confirmation Act 1940](#) (c. iii), s. 244, [Sch. 20](#)

Repeal of Acts

^{F1}196 Repeal of Acts.

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Textual Amendments

- F1** Act repealed (1.4.2009 for the purpose of the repeals of ss. 68, 70, 71, 1.10.2009 except in so far as it relates to the repeals of ss. 32, 73(1), 161 and 164, 1.1.2010 for the purpose of the repeal of s. 32) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); S.S.I. 2009/9, art. 2(b), [sch. 2](#), S.S.I. 2009/319, art. 2(a), [sch. 1](#) (with art. 3, sch. 2 para. 2), S.S.I. 2009/404, art. 2(3), [sch. 3](#)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897. (See end of Document for details)

F64F64 FIRST SCHEDULE

Textual Amendments

F64 Sch. 1 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

F64

F65F65 SECOND SCHEDULE

Textual Amendments

F65 Sch. 2 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**

F65

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

There are currently no known outstanding effects for the Public Health (Scotland) Act 1897.