



Public Health (Scotland) Act 1897

1897 CHAPTER 38 60 and 61 Vict

Preliminary

1 Short title.

This Act may be cited as the Public Health (Scotland) Act 1897.

2 Extent and commencement of Act.

This Act shall extend to Scotland only . . . ^{F1}

Textual Amendments

F1 Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

3 Definitions.

In this Act the following words and expressions have the meanings herein-after assigned to them, unless such meaning is inconsistent with the context:

The word “Board” means the Local Government Board for Scotland:

The word “secretary” includes assistant secretary:

.....^{F2}

Wherever in this Act the expression “legally qualified medical practitioner” is used, it shall mean a registered medical practitioner qualified, as the case may be:

.....^{F3}

The expressions “veterinary surgeon” and “qualified veterinary surgeon” mean a member of the Royal College of Veterinary Surgeons:

.....^{F3}

[^{F4}Except in section 12 and, where it second occurs in section 36(4) of this Act, the word “district” means the area of the local authority for the purposes of this Act.]

Status: Point in time view as at 01/04/2009.

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

F3

.....
The word “magistrate” means a magistrate or judge having police jurisdiction under the ^{M1}Burgh Police (Scotland) Act 1892 or under any general or local Police Act:

The word “decree” or “decern” includes any warrant, sentence, judgment, order, or interlocutor:

The word “premises” includes lands, buildings, vehicles, tents, vans, structures of any kind, streams, lakes, seashore, drains, ditches, or places open, covered, or inclosed, whether built on or not, and whether public or private, and whether natural or artificial, and whether maintained or not under statutory authority, and any ship, lying in any sea, river, harbour, or other water, or ex adverso of any place within the limits of the local authority:

The word “land” in this Act and in the Acts incorporated herewith as after-mentioned, shall include water and any right or servitude to or over land or water:

The word “ship” includes any sailing or steam ship, vessel, or boat not belonging to Her Majesty or any foreign Government:

[^{F5}The word “road” has the meaning ascribed to it by section 151 of the Roads (Scotland) Act 1984:]

F6

.....
The word “house” means a dwelling-house, and includes schools, also factories and other buildings in which persons are employed:

The word “factory” includes workshop and workplace:

The word “ashpit” means any receptacle for the deposit of ashes or refuse matter:

The expression “knacker” means a person whose business it is to kill any horse, ass, mule, or cattle not killed for the purpose of the flesh being used [^{F7}for sale for human consumption]; and the expression “knacker’s yard” means any building or place used for the purpose of such business:

The expression “slaughterer of cattle or horses” means a person whose business it is to kill any description of cattle or horses, asses or mules, for the purpose of the flesh being used [^{F7}for sale for human consumption]; and the expression “slaughter-house” means any building or place used for the purpose of such business:

The word “owner” means the person for the time entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor, or curator, and in case of public or municipal property applies to the persons to whom the management thereof is entrusted:

The word “occupier” means in the case of a building or part of a building the person in occupation or having the charge, management, or control thereof, either on his own account or as the agent of another person, and in the case of a ship means the master or other person in charge thereof:

The word “company” includes commissioners:

The expression “author of a nuisance” means the person through whose act or default the nuisance is caused, exists, or is continued, whether he be the owner or occupier or both:

The expression “common lodging-house” means a house or part thereof where lodgers are housed at an amount not exceeding fourpence per night, or such other sum as shall be fixed under the provisions of this Act, for each person whether the same be payable nightly or weekly, or for any period not longer

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than a fortnight, and shall include any place where emigrants are lodged and all boarding-houses for seamen, irrespective of the rate charged for lodging or boarding:

The expression “keeper of a common lodging-house” includes any person having or acting in the care and management of a common lodging-house:

The word “cattle” means bulls, cows, oxen, heifers, and calves, and includes sheep, goats, and swine:

The word “dairy” includes any farm, farmhouse, cowshed, milk store, milk shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale:

The word “dairyman” includes any cow-keeper, purveyor of milk, or occupier of a dairy:

The word “burial” includes cremation:

The expressions “day” and “daytime” mean between nine o’clock in the morning and six o’clock in the evening.

[^{F8}The word “ratepayer” means a person who is either liable to pay any council tax imposed under the Local Government Finance Act 1992 (or would be so liable but for any enactment or anything provided or done under any enactment) or a non-domestic ratepayer.]

Textual Amendments

- F2** Definitions repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 7 Pt. II**
- F3** Definitions repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F4** Definition substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 26(b)**
- F5** Definition inserted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 17(2)**
- F6** Definition of “street” repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), **Sch. 11**
- F7** Words substituted by [Slaughter of Animals \(Amendment\) Act 1954 \(c. 59\)](#), **Sch. 2 Pt. I**
- F8** Definition in s. 3 substituted (1.4.1993) (for definition added by [Environmental Protection Act 1990 \(c. 43\)](#), s. 162(1), **Sch. 15**, para. 1) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(1), **Sch. 13 para.2** (with s. 118(1)(2)(4)); S.I. 1993/575, **art. 2(c)**

Modifications etc. (not altering text)

- C1** Functions of Local Government Board for Scotland now exercisable by Secretary of State: [Scottish Board of Health Act 1919 \(c. 20\)](#), **s. 4(1)(a)**, [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\)](#), **s. 1(1)** and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **s. 1(1)**
- C2** Reference to “fourpence” to be read as reference to equivalent amount in new currency: [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**
- C3** Functions of burgh magistrates now exercisable by justice of the peace: [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **s. 1(2)**

Marginal Citations

- M1** 1892 c. 55.

4

F9

Textual Amendments

- F9** Ss. 4, 7, 9, 10 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**

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