



Public Health (Scotland) Act 1897

1897 CHAPTER 38 60 and 61 Vict

PART II

SANITARY PROVISIONS

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 [^{F1}level 2 on the standard scale] 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 . . . ^{F2}
- (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

Status: Point in time view as at 01/04/2009.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: Offensive Trades. (See end of Document for details)

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 [^{F3}£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

- F1 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F2 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27**
- F3 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**

Modifications etc. (not altering text)

- C1 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**
- C2 [S. 32](#) amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, **Sch. 1 Pt. II para. 13**
[S. 32](#) amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. II para.11** (with ss. 42, 46).
- C3 [S. 32](#) excluded by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **s. 84(2)(a)**
- C4 Power to repeal conferred by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#) s. 84(4)(b)

33 F4

Textual Amendments

- F4 [S. 33](#) repealed by [Slaughter of Animals \(Scotland\) Act 1980 \(c. 13, SIF 112\)](#), s. 24(2), **Sch. 3**

34 F5

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: Offensive Trades. (See end of Document for details)

Textual Amendments

F5 S. 34 repealed by [Slaughterhouses Act 1954 \(c. 42\)](#), **Sch. 2**

35 Local authorities may make byelaws as to pigstyes.

The local authority may make byelaws regulating the construction of pigstyes, the places in which they may be erected, and the mode of cleansing them at proper intervals so as to prevent them from becoming a nuisance or dangerous to public health.

^{F6}**36**

Textual Amendments

F6 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

^{F7}**37**

Textual Amendments

F7 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

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: Offensive Trades.