



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART II

SANITARY PROVISIONS.

Scavenging and Cleansing.

38 Appeal against resolution of district committee as to formation of special scavenging, &c. districts.

With respect to the formation of special districts for scavenging and other purposes under section forty-four of the Local Government (Scotland) Act, 1894, the following provision shall have effect; (that is to say,)

It shall be competent for any person interested to appeal to the sheriff against any resolution of a district committee or county council, as the case may be, under sub-section two of the recited section, and all the provisions of sub-section one of section one hundred and twenty-two of this Act in regard to an appeal to the sheriff against a resolution of a local authority shall, with the necessary modifications, apply to an appeal against a resolution of a district committee or county council as aforesaid. Provided that in cases to which sub-section three of the said section forty-four of the Local Government (Scotland) Act, 1894, applies an appeal to the sheriff shall not be competent unless the resolution has been disposed of by the county council in terms of that sub-section.

Where the boundaries of any burgh are extended so as to include the whole or part of any such special district, then the town council or burgh commissioners shall, as regards the whole of such special district, supersede the district committee or county council as the case may be in the administration of the Burgh Police (Scotland) Act, 1892, and other powers in regard to cleansing and scavenging upon such terms as shall be agreed between the town council or burgh commissioners and the district committee or county council, as the case may be, or, failing agreement, upon such terms as shall be fixed by the sheriff, whose decision shall be final.

39 Scavenging of highways, &c. within special districts.

Where a special scavenging district has been or may hereafter be formed under the provisions of the Local Government (Scotland) Act, 1894, the district committee of the district or the county council where the county is not divided into districts, in which such special scavenging district is or may be situated shall, in their discretion, have power to cleanse and scavenge the highways and the footpaths under their management and control within such special scavenging district, or to pay or contribute out of the assessments raised under the Roads and Bridges (Scotland) Act, 1878, for a proportion of the cost of cleansing and scavenging such highways and footpaths.

Where within such special district any private street or footway, or part thereof, is not levelled, macadamised, paved, channelled, and made good, to the satisfaction of the district committee (or, where the county is not divided into districts, the county council), such authority may, by notice addressed to the respective owners of the premises fronting, adjoining, or abutting on such street or footway, or parts thereof, as may require to be levelled, macadamised, paved, channelled, and made good, order them to do all such works or any of them, and that within a time to be specified in such notice.

If such order is not complied with, the said authority may, if they think fit, execute the works mentioned therein, and may recover in a summary manner the expenses incurred by them in so doing from the owners in default according and in proportion to the frontage and valuation of their respective premises or, in the case of dispute, in such proportion as may be settled by the sheriff.

Provided that it shall be competent to appeal to the sheriff against any such order, and all the provisions of section one hundred and twenty-two of this Act in regard to an appeal to the sheriff against a resolution of a local authority shall, with the necessary modifications, apply to an appeal against such order.

40 Houses in filthy state to be purified.

Where it appears to any local authority that any house or part thereof, or any article of bedding or clothing therein, is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing or purifying of any house or part thereof, or any article of bedding or clothing therein, would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, or any such article, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the local authority may, if they think fit cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

41 Provision for obtaining order for cleansing offensive ditches lying near to or forming boundaries of districts.

Where any watercourse or open ditch lying near to or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so

as injuriously or dangerously to affect the district of such local authority, any sheriff having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district to appear to show cause why an order should not be made for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such sheriff to be necessary; and such sheriff, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such sheriff may seem reasonable. .

42 Periodical removal of manure from mews and other premises.

Notice may be given by any local authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises, except cattle courts, in any special scavenging district, and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the local authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate, and where in any scavenging district it appears to the sanitary inspector that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matters ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same ; and if such notice is not complied with within forty-eight hours from the service thereof, the manure, dung, soil, filth, or matter referred to shall be vested in and be sold and disposed of by the local authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed, and the expenses of removal by the local authority of any such accumulation, if and so far as they are not covered by the sale thereof may be recovered by the local authority in a summary manner from the person to whom the accumulation belonged, whom failing, from the occupier or owner of the premises.