



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART XI

#### MISCELLANEOUS.

##### *Provisions as to Ships.*

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

Any ship lying in any river, harbour, or other water shall be subject to the local authority of the district within or ex adverso of which such river, harbour, or other water is situate, and to the sheriff, magistrates, and justices of the peace having jurisdiction in such district, and shall be within the provisions of this Act in the same manner as if such ship were a house within such district, but this section shall not apply to any ship belonging to Her Majesty or to any foreign government.

**178 Provision as to district of local authority extending to place where ships are lying.**

For the purposes of this Act, any ship that is in a place within three miles of the coast of Scotland, and not within the district of a local authority, shall be deemed to be within the district of such local authority as may be prescribed by the Board, and until a local authority has been prescribed then of the local authority whose district nearest adjoins the place where such ship is lying.

**179 Charge for medical officer attending sick on board any ship and to be paid by captain.**

Whenever, in compliance with any regulation of the Board which they are hereby empowered to make under this Act, any medical officer employed by a local authority performs any medical service on board any ship the local authority shall be entitled to charge for such service, and such charge shall be payable by the captain of such ship on behalf of the owners thereof, together with any reasonable expenses for the

treatment of the sick, and in the event of dispute the amount shall be determined by the sheriff in a summary manner; and if such services shall be rendered by any medical practitioner who is not a medical officer of the local authority, he shall be entitled to charge for any service rendered on board, with extra remuneration on account of distance, at the same rate<sup>3</sup> as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid; and in case such charges be not paid, the medical officer or practitioner may bring an action against the person in charge of such ship for the same, and the ship, cargo, and tackle thereof, shall be subject to a lien for the amount of such charges.

**180 Power to remove to hospital sick persons brought by ship.**

Any local authority may make byelaws for the removal to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary any persons brought within their district by any ship who are infected with an infectious disease.

*Provisions as to Buildings.*

**181 Byelaws as to regulation of buildings.**

- (1) The local authority of any district other than a burgh may, subject to the approval of the county council, make byelaws for the whole or any part of their district for regulating the building or rebuilding of houses or buildings, or the use for human habitation of any building not previously so used, or any alteration in the mode of occupancy of any existing house in such a manner as will increase the number of separate houses in respect to the following matters:
  - (a) The drainage of the subsoil of sites for and the prevention of dampness in houses intended for human habitation;
  - (b) The structure of walls, foundations, roofs, and chimneys of new buildings in so far as likely to affect human health ;
  - (c) The ventilation of houses and buildings intended for human habitation ;
  - (d) The sufficiency of the space about buildings to secure a free circulation of air;
  - (e) The construction and arrangement of the drainage of houses and buildings and of soil-pipes and waste-pipes, and the construction and position of waterclosets, earth-closets, privies, ash-pits, cess-pools, dungsteads, slopsinks, and rainwater pipes and rhones;
  - (f) The production of suitable building plans in respect of the matters in this section mentioned, and their inspection;
  - (g) The intimation previous to the commencement by the owner or person laying out the work to the local authority of the date of the commencement, and for the due inspection in respect of the matters in this section mentioned of houses or buildings in process of erection or alteration, and the examination of the drains thereof, and for the pulling down, alteration, or amendment of any work which has been carried out in contravention of the byelaws.
- (2) In making such byelaws the local authority shall have regard to the special circumstances of their district or the part thereof to which such byelaws relate.

## **182 Penalty for erecting buildings on ground filled up with offensive matter.**

- (1) It shall not be lawful to erect a new building on any ground which has been filled up with any matter impregnated with faecal, animal, or vegetable matter, or upon which any such matter has been deposited unless and until such matter shall have been properly removed by excavation or otherwise, or shall have been rendered or have become innocuous.
- (2) Every person who does, or causes, or wilfully permits to be done, any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds, and a daily penalty not exceeding forty shillings.

*Provisions as to Byelaws.*

## **183 Authentication of byelaws.**

All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal or if they have no common seal shall be signed by two members and the clerk of such authority, and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the law of Scotland or to the provisions of this Act.

## **184 Power to impose penalties on breach of byelaws.**

Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

## **185 Confirmation of byelaws.**

Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Board, who are hereby empowered to allow, modify, or disallow the same, as they may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within, or by handbills posted throughout, the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application is considered a copy of the proposed byelaws has been kept at the office of the local authority, and in the case of districts other than burghs at the office of the parish council of every parish to which such byelaws relate, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

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*Status: This is the original version (as it was originally enacted).*

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Any persons aggrieved by any proposed byelaw, or by any proposed alteration of a byelaw, may within such last-mentioned month, forward notice of his objection to the Board, who shall consider the same before granting confirmation.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw when confirmed by the Board shall not require confirmation, allowance, or approval by any other authority.

**186 Byelaws to be printed, &c.**

All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and be open to the inspection of any ratepayer of the district at all reasonable hours; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same ; a copy of any byelaws made by a district committee shall also be transmitted to the parish council of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours, and a : copy thereof shall be delivered to any ratepayer of the parish on his application for the same.

**187 Evidence of byelaws.**

A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary-is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

**188 As to regulations of local authority.**

The provisions of this Act relating to byelaws shall not apply to any regulations which a local authority is by this Act authorised to make ; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such manner as they see fit.