



# Public Health Acts Amendment Act 1907

1907 CHAPTER 53 7 Edw 7

An Act to amend the Public Health Acts.

[28th August 1907]

## Modifications etc. (not altering text)

- C1** Act amended by [Local Government Act 1972 \(c. 70\)](#), **s. 180**; extended by *ibid.*, Sch. 14 Pt. II paras. 23, 24; extended (Greater London) by [London Government Act 1963 \(c. 33\)](#), s. 40, Sch. 11 Pt. I paras. 1, 2
- C2** This Act is not necessarily in the form in which it has effect in Northern Ireland
- C3** Power to transfer certain functions conferred by [Public Health \(Control of Disease\) Act 1984 \(c. 22\)](#), [SIF 100:1](#), **s. 7(4)(a)**  
Act (except section 12 and 94(4)): transfer of functions (1.7.1999) by [S.I. 1999/672](#), art. Sch. 1

## Commencement Information

- II** Act wholly in force at 1.1.1908 by s. 2(5) (now repealed).

## PART I

### GENERAL

**1** ..... <sup>F1</sup>

## Textual Amendments

- F1** S. 1 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. IV**

## **2 Short title, construction, and extent of Act.**

- (1) This Act shall be construed as one with the Public Health Acts.
- (2) Part I of this Act shall extend to England and Wales and Ireland . . . <sup>F2</sup>

*Status: Point in time view as at 01/04/2005.*

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- (3) This Act may be cited as the Public Health Acts Amendment Act 1907 and this Act and the Public Health Acts may together be cited as the Public Health Acts 1875 to 1907.
- (4) Any byelaws made under any enactment for which any provisions of this Act are substituted shall remain in force as if the byelaws had been made under the corresponding provisions of this Act.
- (5) ..... F3

#### Textual Amendments

- F2 Words repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#) and [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F3 S. 2(5) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

- 3 ..... F4

#### Textual Amendments

- F4 S. 3 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

- 4 ..... F5

#### Textual Amendments

- F5 Ss. 4, 5(2) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

### 5 Enquiries by Local Government Board.

- (1) [<sup>F6</sup>The Secretary of State] may direct any enquiries to be held by [<sup>F6</sup>his] inspectors which [<sup>F6</sup>he] may deem necessary in regard to the exercise of any powers conferred upon [<sup>F6</sup>him] under this Act . . . <sup>F7</sup>
- (2) ..... F8
- (3) The Secretary of State may order that a local enquiry be held in regard to the exercise of any powers conferred on him under this Act . . . <sup>F7</sup>

#### Textual Amendments

- F6 Words substituted by virtue of [Ministry of Health Act 1919 \(c. 21\)](#), s. 3(1)(a), [Sch. 1 para. 1](#); [S.I. 1951/142](#) (1951 I, p. 1348), arts. 3, 5(2), [Sch. Pt. I](#); [S.I. 1951/1900](#) (1951 I, p. 1347), art. 1, (W.); [S.I. 1965/319](#), arts. 2(1), 10(1), [Sch. 1 Pt. I](#); and [S.I. 1970/1681](#), arts. 2(1), 6(3)
- F7 Words repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)
- F8 Ss. 4, 5(2) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

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## **[<sup>F9</sup>6 Legal proceedings, &c.**

Offences under this Act or under any byelaw made under the powers of this Act or under the powers of the <sup>M1</sup>Public Health Act 1875 or any enactment amending or extending that Act, may be prosecuted, and penalties, forfeitures, costs, and expenses recovered, in like manner and subject to the same provisions as offences which may be prosecuted, and penalties, forfeitures, costs, and expenses which may be recovered, in a summary manner under the Public Health Acts.]

### **Textual Amendments**

**F9** S. 6 repealed (E.W.) (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X](#)

### **Marginal Citations**

**M1** [1875 c. 55](#).

## **7 Appeals to quarter sessions, &c.**

- (1) Except where this Act otherwise expressly provides any person aggrieved—
- (a) By any order, judgment, determination, or requirement of a local authority under this Act;
  - (b) By the withholding of any order, certificate, licence, consent, or approval, which may be made, granted, or given by a local authority under this Act;
  - [<sup>F10</sup>(c) By any conviction or order of a court of summary jurisdiction under any provision of this Act;
- may appeal, . . . <sup>F11</sup> to [<sup>F12</sup>the Crown Court].]
- (2) . . . . . <sup>F13</sup>

### **Textual Amendments**

**F10** S. 7(1)(c) repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. II](#)

**F11** Words repealed by [S.I. 1971/1292](#), [Sch. 3](#)

**F12** Words substituted by virtue of [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)

**F13** Ss. 7(2), 15–20, 22 repealed (E.W.) by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

## **<sup>F14</sup>8 . . . . .**

### **Textual Amendments**

**F14** S. 8 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. I](#) Group 4

## **9 Byelaws.**

All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the <sup>M2</sup>Public Health Act 1875 and any enactment amended or extended by those sections shall apply to all byelaws from time to time made by a local authority under the provisions of this Act, provided that the

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Secretary of State shall be the confirming authority for byelaws made under Part VII. (Police) of this Act.

#### Marginal Citations

M2 1875 c. 55.

## 10 Compensation, how determined.

Where any compensation, costs, damages or expenses is or are by this Act directed to be paid, and the method for determining the amount thereof is not otherwise provided for, such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

## [<sup>F15</sup>11 Powers of Act cumulative.

All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

Nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not been passed, but no person shall be liable, except in the case of a daily penalty, to more than one penalty in respect of the same offence.]

#### Textual Amendments

F15 S. 11 repealed (E.W.) (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. X](#)

## 12 Crown rights.

Nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown, and in particular nothing herein contained authorises any local authority to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary, or any land, hereditaments, subjects, or right of whatsoever description belonging to His Majesty in right of His Crown, and under the management of [<sup>F16</sup>the Crown Estate Commissioners] or of the Board of Trade respectively, without the consent in writing of [<sup>F16</sup>the Crown Estate Commissioners] or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

#### Textual Amendments

F16 Words substituted by virtue of S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), art. 1, [Crown Estate Act 1956 \(c. 73\)](#), s. 1(1)(7) and [Crown Estate Act 1961 \(c. 55\)](#), s. 1(1), [Sch. 2 para. 4\(1\)](#)

#### Modifications etc. (not altering text)

C4 Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537](#), [art. 2\(1\)](#)

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## [<sup>F17</sup>13 Interpretation.

In this Act, if not inconsistent with the context,—

<sup>F18</sup>

...

The expression “daily penalty” means a penalty for each day on which an offence is continued after conviction therefor:

The expressions “lands,” “premises,” “owner,” “street,” “house,” “drain,” and “sewer” have respectively the same meaning as in the Public Health Acts:

<sup>F19</sup>

...

<sup>F20</sup>

Other expressions to which a special meaning is assigned by the <sup>M3</sup>Public Health Act 1875, have respectively the same meaning in this Act as they have in that Act.]

### Textual Amendments

<sup>F17</sup> S. 13 repealed (E.W.) (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X**

<sup>F18</sup> Definitions repealed by Local Government Act 1972 (c. 70), **Sch. 30**

<sup>F19</sup> Definitions repealed by Food and Drugs Act 1938 (c. 56), **Sch. 4 Pt. I** and Local Government Act 1972 (c. 70), **Sch. 30**

<sup>F20</sup> Definitions of “the commencement of this Part” and “the commencement of this section” repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

### Marginal Citations

<sup>M3</sup> 1875 c. 55.

## 14 Application of Act to Ireland.

In the application of this Act to Ireland the following modifications shall have effect:—

- (1) This Act may be cited with the Public Health (Ireland) Acts, 1878 to 1900, as the Public Health (Ireland) Acts, 1878 to 1907:
- (2) A reference to a place of abode in England shall be construed to be a reference to a place of abode in Ireland:
- (3) The Local Government Board for Ireland shall be substituted for the Local Government Board:
- (4) The Chief Secretary shall be substituted for the Secretary of State:
- (5) The Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries:
- (6) The Dublin Gazette shall be substituted for the London Gazette:
- (7) A court of summary jurisdiction shall be substituted for a petty sessional court:
- (8) The <sup>M4</sup>Public Health (Ireland) Acts 1878 to 1900, shall be substituted for the Public Health Acts, the Public Health (Ireland) Acts 1878 to 1907, shall be substituted for the <sup>M5</sup>Public Health Acts 1875 to 1907, and the Public Health (Ireland) Act 1878, shall be substituted for the <sup>M6</sup>Public Health Act 1875, and in particular references in this Act to the sections of the Public Health Act 1875, mentioned in the first column of the schedule to this Act shall be construed as references to the corresponding sections

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of the <sup>M7</sup>Public Health (Ireland) Act 1878, mentioned in the second column of that schedule:

- (9) In subsection (2) of section seventy-four of this Act, the words “and the sanitary authority may” shall be substituted for the words “and the local authority may”:
- (10) The provision with respect to section twenty-eight of the <sup>M8</sup>Town Police Clauses Act 1847, shall extend to section seventy-two of the <sup>M9</sup>Towns Improvement (Ireland) Act 1854.

#### Marginal Citations

- M4** 1878 c. 52.  
**M5** 1875 c. 55.  
**M6** 1875 c. 55.  
**M7** 1878 c. 52.  
**M8** 1847 c. 89.  
**M9** 1854 c. 103.

## PART II

### STREETS AND BUILDINGS

15— ..... <sup>F21</sup>  
 20.

#### Textual Amendments

- F21** Ss. 7(2), 15–20, 22 repealed (E.W.) by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

## 21 Power to alter names of streets.

The local authority may, with the consent of two-thirds in number <sup>F22</sup> . . . of the ratepayers [<sup>F23</sup>and persons who are liable to pay an amount in respect of council tax] in any street, alter the name of such street or any part of such street. The local authority may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Any person who shall wilfully and without the consent of the local authority, obliterate, deface, obscure, remove, or alter any such name, shall be liable to a penalty not exceeding [<sup>F24</sup>level 1 on the standard scale].

#### Textual Amendments

- F22** Words repealed (E.W.) by [S.I. 1990/776](#), art. 8, **Sch. 3 para. 1(a)**
- F23** Words in s. 21 (which were added (E.W.) by [S.I. 1990/776](#), art. 8, **Sch. 3 para. 1(b)**) substituted (E.W.) (1. 4. 1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(1), **Sch. 13 para. 3** (with s. 118(1)(2)(4)); [S.I. 1992/2454](#), **art. 3(1)(a)**.
- F24** Words in s. 21 substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

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#### Modifications etc. (not altering text)

- C5 S. 21 repealed, as respects any area in which s. 18 of the [Public Health Act 1925 \(c. 71\)](#) is in force, by [ibid.](#), s. 18(5)
- C6 Power to extend or exclude s. 21 conferred by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 25](#)
- C7 S. 21 excluded (Greater London) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 26](#)

22 ..... F25

#### Textual Amendments

- F25 Ss. 7(2), 15–20, 22 repealed (E.W.) by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

23— ..... F26  
27.

#### Textual Amendments

- F26 Ss. 23–27 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. III](#)

28— ..... F27  
30.

#### Textual Amendments

- F27 Ss. 28–30, 32, 33 repealed (E.W.) by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

### 31 Fencing lands adjoining streets.

If any land (other than land forming part of any common) adjoining any street is allowed to remain unfenced or if the fences of any such land are allowed to be or remain out of repair, and such land . . . <sup>F28</sup> is used for any immoral or indecent purposes, or for any purpose causing inconvenience or annoyance to the public, . . . <sup>F29</sup> in that case, at any time after the expiration of fourteen days from the service upon the owner or occupier of notice in writing by the local authority requiring the land to be fenced or any fence of the land to be repaired, the local authority may cause the land to be fenced or may cause the fences to be repaired in such manner as they think fit, and the reasonable expenses thereby incurred shall be recoverable from such owner or occupier summarily as a civil debt.

#### Textual Amendments

- F28 Words repealed (E.W.) by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)
- F29 Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

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#### Modifications etc. (not altering text)

**C8** S. 31 amended by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 31](#)

**32, 33.** ..... **F30**

#### Textual Amendments

**F30** Ss. 28–30, 32, 33 repealed (E.W.) by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

### PARTS III-V

**34—** ..... **F31**  
**52.**

#### Textual Amendments

**F31** Ss. 34–52 repealed (E.W., subject to exceptions) by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. III](#) and ss. 35, 46, 49 and 51 repealed (N.I.) (27.8.1993) by [1993 c. 12, s. 40](#), [Sch. 3 Pt. III para. 20](#)

**53, 54.** ..... **F32**

#### Textual Amendments

**F32** Ss. 53, 54 repealed by [Food and Drugs Act 1938 \(c. 56\)](#), [Sch. 4 Pt. I](#)

**55—** ..... **F33**  
**75.**

#### Textual Amendments

**F33** Ss. 55–75 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. III](#)

### PART VI

#### RECREATION GROUNDS

#### Modifications etc. (not altering text)

**C9** Pt. VI amended by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 27](#)



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## 76 Powers as to parks and pleasure gardens

- (1) . . . <sup>F34</sup> the local authority shall, in addition to any powers under any general Act, have the following powers with respect to any public park or pleasure ground provided by them or under their management and control, namely, powers—
- (a) To enclose during time of frost any part of the park or ground for the purpose of protecting ice for skating, and charge admission to the part inclosed, but only on condition that at least three-quarters of the ice available for the purpose of skating is open to the use of the public free of charge;
  - (b) To set apart any such part of the park or ground as may be fixed by the local authority, and may be described in a notice board affixed set up in some conspicuous position in the park or ground for the purpose of cricket, football, or any other game or recreation, and to exclude the public from the part set apart while it is in actual use for that purpose;
  - (c) To provide any apparatus for games and recreations, and charge for the use thereof, or let the right of providing any such apparatus for any term not exceeding three years to any person;
  - (d) . . . <sup>F35</sup>
  - (f) To place, or authorise any person to place, chairs or seats in any such park or ground, and charge for, or authorise any person to charge for, the use of the chairs so provided;
  - (g) To provide and maintain any reading rooms, pavilions, or other buildings and conveniences, and to charge for admission thereto, subject in the case of reading rooms to the limitation that such a charge shall not be made on more than twelve days in any one year, nor on more than four consecutive days;
  - (h) . . . <sup>F35</sup>
  - (i) To provide and maintain refreshment rooms in any such park, and either manage them themselves, or, if they think fit, let them to any person for any term not exceeding three years.
- (2) Any expenses of the local authority incurred in the exercise of the powers given to them by this section shall be defrayed out of the fund or rate out of which the expenses of the park or ground, as to which the powers are exercised, are payable, and any receipts arising from the exercise of any such powers shall be carried to the credit of the same fund or rate.
- (3) . . . . . <sup>F36</sup>
- (4) No power given by this section shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made, without the consent of the donor, grantor, lessor, or other person or persons entitled in law to the benefit of such covenant or condition.

### Textual Amendments

**F34** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

**F35** S. 76(1)(d)(e)(h) repealed by [Local Government Act 1948 \(c. 26\)](#), **Sch. 2 Pt. V**

**F36** S. 76(3) repealed by [Public Health Act 1925 \(c. 71\)](#), **s. 56(3)**

### Modifications etc. (not altering text)

**C10** S. 76 extended by [Public Health Act 1961 \(c. 64\)](#), **s. 52**; and excluded by [Countryside Act 1968 \(c. 41\)](#), **s. 7(7)**

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## 77 Power to appoint officers.

The local authority may appoint officers for securing the observance of this Part of this Act, and of the regulations and byelaws made thereunder, and may procure such officers to be sworn in as constables for that purpose, but any such officer shall not act as a constable unless in uniform or provided with a warrant.

### Modifications etc. (not altering text)

**C11** S. 77 extended by [Public Health Act 1961 \(c. 64\)](#), **s. 52**; and excluded by [Countryside Act 1968 \(c. 41\)](#), **s. 7(7)**

## PART VII

### POLICE

## 78 ..... F37

### Textual Amendments

**F37** S. 78 repealed by [Road Traffic Act 1930 \(c. 43\)](#), **Sch. 5**

## 79 ..... F38

### Textual Amendments

**F38** S. 79 repealed by [Public Health Act 1925 \(c. 71\)](#), **Sch. 5 Pt. II**

## 80 As to leading or driving animals.

The local authority may, by order, prescribe the streets in which, and the manner according to which, the leading or driving of animals shall be permitted within their district, provided that the route or routes which it shall be lawful for the local authority so to prescribe shall not be such as would prevent the passage of cattle between any market on the one hand, and any railway station or landing wharf in the district or any place beyond the district on the other hand, when such animals are merely passing between such market and railway station, landing wharf, or other place aforesaid, and the local authority shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals. Provided also that any such order shall only operate between the hours of nine in the morning and nine in the evening, and shall not prevent the owner of any animals driving the same to or from his own premises, and nothing in this enactment contained shall authorise the local authority to interfere with the leading or driving of any animals to any duly licensed slaughter-house.

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#### Modifications etc. (not altering text)

**C12** S. 80 excluded (Greater London) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 26](#)

## 81 Extending definition of public place and street for certain purposes.

Any place of public resort or recreation ground belonging to, or under the control of, the local authority, and any unfenced ground adjoining or abutting upon any street in [<sup>F39</sup>a district] shall for the purpose of the <sup>M10</sup>Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same, be deemed to be an open and public place, and shall be deemed to be a street for the purposes of section twenty-nine of the <sup>M11</sup>Town Police Clauses Act 1847, and also for the purposes of so much of section twenty-eight of that Act as relates to the following offences:—

Every person who suffers to be at large any unmuzzled ferocious dog, or urges any dog or other animal to attack, worry, or put in fear any person or animal:

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle:

...  
<sup>F40</sup>

Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, [<sup>F41</sup>indecent, or obscene] book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language:

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire:

Every person who throws or lays any dirt, litter, ashes, or night soil, or any carrion, fish, offal, or rubbish, on any street.

#### Textual Amendments

**F39** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 179\(3\)](#)

**F40** Words repealed by [Street Offences Act 1959 \(c. 57\)](#), [Sch.](#)

**F41** Words repealed (E.W.) by [Indecent Displays \(Control\) Act 1981 \(c. 42, SIF 39:5\)](#), [s. 1](#), [Sch.](#)

#### Modifications etc. (not altering text)

**C13** S. 81 excluded (Greater London) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 26](#)

#### Marginal Citations

**M10** [1824 c. 83](#).

**M11** [1847 c. 89](#).

## 82 Byelaws as to sea-shore.

The local authority for the prevention of danger, obstruction, or annoyance to persons using the sea-shore may make and enforce byelaws to—

- (1) Regulate the erection or placing on the sea-shore, or on such part or parts thereof as may be prescribed by such byelaws, of any booths, tents, sheds, stands, and stalls (whether fixed or movable), or vehicles for the sale or exposure of any article or thing,

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or any shows, exhibitions, performances, swings, roundabouts, or other erections, vans, photographic carts, or other vehicles, whether drawn or propelled by animals, persons or any mechanical power, and the playing of any games on the seashore, and generally regulate the user of the seashore for such purposes as shall be prescribed by such byelaws;

- (2) Regulate the user of the seashore for riding and driving;
- (3) Regulate the selling and hawking of any article, commodity, or thing on the seashore;
- (4) Provide for the preservation of order and good conduct among persons using the seashore. Provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

#### Modifications etc. (not altering text)

- C14** S. 82 repealed, in relation to matters with respect to which byelaws can be made under [Part VIII of the Public Health Act 1936 \(c. 49\)](#), by *ibid.*, s. 346, Sch. 3 Pt. III
- C15** Power to extend or exclude s. 82 conferred by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 25](#)
- C16** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537](#), [art. 2\(1\)](#)

### 83 Byelaws as to promenades.

The local authority may, for the prevention of danger, obstruction, or annoyance to persons using the esplanades or promenades within the district, make byelaws prescribing the nature of the traffic for which they may be used, regulating the selling and hawking of any article, commodity, or thing thereon, and for the preservation of order and good conduct among the persons using the same.

#### Modifications etc. (not altering text)

- C17** Power to extend or exclude s. 83 conferred by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 25](#)

### 84 ..... F42

#### Textual Amendments

- F42** S. 84 repealed by [Local Government Act 1966 \(c. 42\)](#), [Sch. 6 Pt. I](#)

### 85 ..... F43

#### Textual Amendments

- F43** S. 85 repealed by [Employment Agencies Act 1973 \(c. 35\)](#), [Sch. Pt. I](#)

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86 ..... F44

**Textual Amendments**

**F44** S. 86 repealed by [Scrap Metal Dealers Act 1964 \(c. 69\)](#), [Sch. Pt. I](#)

**PARTS VIII, IX**

87— ..... F45  
90.

**Textual Amendments**

**F45** Ss. 87–90 repealed by [Fire Brigades Act 1938 \(c. 72\)](#), [Sch. 3](#)

91 ..... F46

**Textual Amendments**

**F46** S. 91 repealed by [Town and Country Planning Act 1947 \(c. 51\)](#), [Sch. 9 Pt. II](#)

**PART X**

**MISCELLANEOUS**

92, 93. .... F47

**Textual Amendments**

**F47** Ss. 92, 93 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. III](#)

94 **Power to license pleasure-boats.** **E+W**

- (1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the [<sup>F48</sup>persons in charge of or navigating] such boats and vessels, and may charge [<sup>F49</sup>for each type of licence such annual fee as appears to them to be appropriate].
- (2) Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public: Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.

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- (3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry or permit to be carried passengers [<sup>F50</sup>for hire in any pleasure boat or vessel unless—
- (a) the boat or vessel is so licensed and the licence is not suspended; and
  - (b) the person in charge of the boat or vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied with].
- (4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade [<sup>F51</sup>or for a person in charge of or navigating such a boat or vessel].
- (5) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every owner of any such boat or vessel shall, before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three-quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also the number of persons which it is licensed to carry, in the form “Licensed to carry persons.”
- (6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding [<sup>F52</sup>level 3 on the standard scale][<sup>F53</sup>but a person shall not be guilty of an offence under this subsection by reason of his failure to comply with such conditions as are mentioned in subsection 3(b) of this section if it is shown that there is a reasonable excuse for the failure].
- (7) Any person deeming himself aggrieved by the withholding, suspension, or revocation of any licence under the provisions of this section may appeal to a petty sessional court held after the expiration of two clear days after such withholding, suspension, or revocation: Provided that the person so aggrieved shall give twenty-four hours’ written notice of such appeal, and the ground thereof, to the [<sup>F54</sup>designated officer for the court ], and the court shall have power to make such order as they see fit and to award costs, such costs to be recoverable summarily as a civil debt.
- [<sup>F55</sup> No licence under this section shall be required in respect of pleasure boats and pleasure  
<sup>F56</sup>(8) vessels on any inland waterway owned or managed by the British Waterways Board.]
- (9) In subsection (1) and (3) of this section “let for hire” means let for hire to the public.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

#### Textual Amendments

- F48** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(1\)](#)
- F49** Words substituted by [Local Government Act 1974 \(c. 7\), s. 35, Sch. 6 para. 1](#)
- F50** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(2\)](#)
- F51** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(3\)](#)
- F52** Words in s. 94(6) substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F53** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(4\)](#)

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**F54** Words in s. 94(7) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 66; S.I. 2005/910, art. 3\(y\)](#)

**F55** S. 94(8)(9) added by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\), s. 186](#)

**F56** S. 94(8) added by [1980 c. 65, s. 186](#) and substituted (1.1.1998) by [S.I. 1997/1187, art. 2](#)

**Modifications etc. (not altering text)**

**C18** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)

**C19** S. 94: functions of the local authority not to be the responsibility of an executive authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)

**94 Power to license pleasure-boats. S+N.I.**

- (1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the [<sup>F58</sup>persons in charge of or navigating] such boats and vessels, and may charge [<sup>F59</sup>for each type of licence such annual fee as appears to them to be appropriate].
- (2) Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public: Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.
- (3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry or permit to be carried passengers [<sup>F60</sup>for hire in any pleasure boat or vessel unless—
  - (a) the boat or vessel is so licensed and the licence is not suspended; and
  - (b) the person in charge of the boat or vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied with].
- (4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade [<sup>F61</sup>or for a person in charge of or navigating such a boat or vessel].
- (5) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every owner of any such boat or vessel shall, before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three-quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also the number of persons which it is licensed to carry, in the form “Licensed to carry persons.”
- (6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding [<sup>F62</sup>£50][<sup>F63</sup>but a person shall not be guilty of an offence under this subsection by reason of his failure to comply with such conditions as are mentioned in subsection 3(b) of this section if it is shown that there is a reasonable excuse for the failure].



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(7) Any person deeming himself aggrieved by the withholding, suspension, or revocation of any licence under the provisions of this section may appeal to a petty sessional court held after the expiration of two clear days after such withholding, suspension, or revocation: Provided that the person so aggrieved shall give twenty-four hours' written notice of such appeal, and the ground thereof, to the [<sup>F64</sup>proper officer of the authority], and the court shall have power to make such order as they see fit and to award costs, such costs to be recoverable summarily as a civil debt.

**Extent Information**

**E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only

**Textual Amendments**

- F58** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(1\)](#)
- F59** Words substituted by [Local Government Act 1974 \(c. 7\), s. 35, Sch. 6 para. 1](#)
- F60** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(2\)](#)
- F61** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(3\)](#)
- F62** Words substituted by [Criminal Justice Act 1967 \(c. 80\), s. 92, Sch. 3 Pt. I](#)
- F63** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(4\)](#)
- F64** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), Sch. 29 Pt. I para. 4\(1\)\(a\)](#)

**Modifications etc. (not altering text)**

- C20** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)
- C21** S. 94: functions of the local authority not to be the responsibility of an executive authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)

95 ..... <sup>F57</sup>

**Textual Amendments**

- F57** S. 95 repealed (E.W.) by [Highways Act 1959 \(c. 25\), Sch. 25](#)



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## SCHEDULE

Section 14(8).

REFERENCES TO THE PUBLIC HEALTH (IRELAND) ACT 1878, TO BE  
SUBSTITUTED FOR REFERENCES TO THE PUBLIC HEALTH ACT 1875

<b>Sections of the Public Health Act 1875.</b>	<b>Corresponding Sections of Public Health (Ireland) Act 1878.</b>
Forty-one	Fifty-one.
Seventy-seven	Eighty-eight.
Seventy-eight	Eighty-nine.
Eighty-six	Ninety seven.
Eighty-eight	Ninety-nine.
One hundred and two	One hundred and eighteen.
One hundred and three	One hundred and nineteen.
One hundred and twelve	One hundred and twenty-eight.
One hundred and twenty-four	One hundred and forty-one.
One hundred and twenty-six	One hundred and forty-two.
One hundred and thirty-two	One hundred and fifty-six.
One hundred and fifty	Twenty-eight
One hundred and fifty-seven	Forty-one.
One hundred and fifty-eight	Forty-two.
One hundred and seventy-five	Two hundred and two
One hundred and seventy-six	Two hundred and three
One hundred and eighty-two	Two hundred and nineteen
One hundred and eighty-six	Two hundred and twenty-three.
Two hundred and fifty-seven	Two hundred and fifty-five.
Two hundred and sixty-eight	Two hundred and sixty-eight.
Three hundred and four	Two hundred and seventy-seven.

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**Status:**

Point in time view as at 01/04/2005.

**Changes to legislation:**

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