

SCHEDULES

FIRST SCHEDULE

Sections 11, 31.

CONFIRMATION AND COMING INTO OPERATION OF ORDERS OF LOCAL AUTHORITIES UNDER SECTION ELEVEN

- 1 In this Schedule "order" means an order made by a local authority under section eleven of this Act.
- 2 After making an order, the local authority shall publish in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates a notice—
 - (a) stating that the order has been made and its general effect;
 - (b) specifying a place in the district of the local authority where a copy of the order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
 - (c) stating that within the said period any person who will be affected by the order may by notice in writing to the Minister object to the confirmation of the order.
- 3 Besides publishing such a notice as aforesaid, the local authority who have made an order shall post, and keep posted throughout the said period, copies of the notice in such number of conspicuous places within the area to which the order relates as appear to them necessary for the purpose of bringing the making of the order to the notice of persons affected.
- 4 If no objection is duly made to the Minister within the said period, or if every objection so made is withdrawn, the Minister may, if he thinks fit, confirm the order either with or without modifications, and in any other case he shall before confirming the order cause a local inquiry to be held and consider any objection not withdrawn and the report of the person holding the inquiry and may then confirm the order either with or without modifications.
- 5 Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the summoning of witnesses and the production of documents before, and the costs incurred at, local inquiries held under that section), shall apply to an inquiry held under this Schedule by the Minister of Housing and Local Government as they apply to inquiries held under that section.
- 6 An order when confirmed shall come into operation on such date as may be specified therein, not being a date earlier than six months from the date of the confirmation:

Provided that if, before the date on which the order is to come into operation, the local authority—

 - (a) pass a resolution postponing the coming into operation thereof; and

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- (b) publish a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates, the order shall, unless the coming into operation thereof is again postponed under this proviso, come into operation on the date specified in the resolution.
- 7 In the application of this Schedule to Scotland, for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette.

SECOND SCHEDULE

Section 17.

AMENDMENTS OF ALKALI, &C. WORKS REGULATION ACT, 1906

For subsection (2) of section one, there shall be substituted the following subsection—

“(2) The owner of any alkali work which is carried on in contravention of this section shall be guilty of an offence.”

For subsection (2) of section two, there shall be substituted the following subsection—

“(2) If the owner of any alkali work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be guilty of an offence.”

For subsection (2) of section three, there shall be substituted the following subsection—

“(2) The owner of any work which is carried on in contravention of this section shall be guilty of an offence.”

For subsection (3) of section six there shall be substituted the following subsection—

“(3) The owner of any sulphuric acid work or of any muriatic acid work which is carried on in contravention of this section shall be guilty of an offence.”

For subsection (2) of section seven there shall be substituted the following subsection—

“(2) If the owner of any such work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be guilty of an offence.”

For subsection (5) of section eight there shall be substituted the following subsection—

“(5) Any person who contravenes or fails to comply with any of the provisions of an order made under this section shall be guilty of an offence.”

For subsection (8) of section nine there shall be substituted the following subsection—

“(8) The owner of a work which has been carried on in contravention of this section shall be guilty of an offence.”

After section sixteen there shall be inserted the following section—

“16A Penalties for certain offences.

- (1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of such an offence and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or not exceeding twenty pounds for every day on which the earlier offence has been so repeated or continued by him within the three months next following his conviction therefor, whichever is the greater.

- (2) No proceedings shall be brought for any offence to which subsection (1) of this section applies except by an inspector and with the sanction of the central authority.
- (3) In the application of this section to Scotland, subsection (2) shall be omitted. In paragraph (2) of section seventeen the words " except as respects a fine for the contravention of the provisions of this Act as to the registration of works " shall cease to have effect. In subsection (4) of section eighteen, for the words " under this Act" there shall be substituted the words " under section four of this Act."

THIRD SCHEDULE

Sections 31, 32.

MODIFICATIONS OF, AND PROVISIONS SUPPLEMENTARY TO, PUBLIC HEALTH ACTS, &C

PART I

PUBLIC HEALTH ACT, 1936

- 1 Section two hundred and eighty-seven (which confers a power of entry on premises)
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- (a) shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling ; but
- (b) shall apply in relation to any vessel as it applies in relation to premises.
- 2 Section two hundred and ninety-seven shall have effect as if the reference to a daily penalty in respect of a continuing offence included a reference to a daily penalty in respect of a repetition of an offence.
- 3 Sections three hundred and seventeen, three hundred and nineteen, three hundred and forty-one and three hundred and forty-two (which relate respectively to repeals and alterations of local Acts, to regulations made by the Minister, to the application of the Act to Crown property and to the application of portions of the Act to London) shall not apply.

PART II

PUBLIC HEALTH (LONDON) ACT, 1936

- 1 The local authorities for the purposes of the provisions of this Act shall, subject to the provisions of the Public Health (London) Act, 1936, relating to the port health authority, be the sanitary authorities and not the county council;
- Provided that—

- (a) both the county council and the sanitary authorities shall be local authorities for the purposes of section twenty-five of this Act;
 - (b) if, in any special case, a sanitary authority so requests, the county council may enforce any of the provisions of this Act in lieu of the sanitary authority ;
 - (c) the duty of enforcing the provisions of this Act in relation to any such premises, not being premises within the Port of London, as are occupied by a sanitary authority, shall be performed by the county council;
- and, for the purposes of performing their duties under this proviso, the county council may act as if they were the local authority and the county were their district.
- 2 Section three (which confers jurisdiction on sanitary authorities over ships within their districts) and the definition of " building " in subsection (1) of section three hundred and four shall not apply.
- 3 The sanitary authority, the county council and the port health authority may, for the purpose of enforcing the provisions of this Act enforceable by them respectively, of exercising any of their powers under this Act and of ascertaining whether there is or has been on, or in connection with, any premises any contravention of those provisions or whether any of their powers under this Act ought to be exercised, enter upon any premises by day or at any time during the night when business is being carried on thereon:
- Provided that—
- (a) in the case of a private dwelling, this paragraph shall have effect only in relation to work under subsection (2) of section twelve of this Act; and
 - (b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.
- 4 Paragraph 3 of this Part of this Schedule shall apply in relation to vessels as it applies in relation to premises.

PART III

SCOTTISH ENACTMENTS

Public Health (Scotland) Act, 1897

Section eighteen (which confers a power of entry on premises) shall have effect subject to the following modification and to any other necessary modifications consequential thereon, that is to say, that the purposes for which the power of entry may be exercised shall include the purposes of enforcing the provisions of this Act enforceable by the local authority, of exercising any of the powers of the authority under this Act and of ascertaining whether there is or has been on, or in connection with, the premises any contravention of those provisions or whether any of the powers of the authority under this Act ought to be exercised:

Provided that—

- (a) the said section eighteen shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling ; and

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- (b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

This paragraph shall apply in relation to vessels as it applies in relation to premises.

Housing (Scotland) Act, 1950

Section twenty-two shall have effect as if the reference to section five or section eight of that Act included a reference to section twelve of this Act.

Section one hundred and sixty-one (which imposes a penalty for obstructing the execution of works) shall have effect as if, in subsection (1), the words "Part II of" and paragraph (b) were omitted.

FOURTH SCHEDULE

Section 35.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Section one hundred and fourteen.
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	Section one hundred and seven
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847.	Section one hundred and eight.
20 & 21 Vict. c. 73.	The Smoke Nuisance (Scotland) Act, 1857.	The whole Act.
28 & 29 Vict. c. 102.	The Smoke Nuisance (Scotland) Act, 1865.	The whole Act.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Section nineteen.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section three hundred and eighty-one, in paragraph (34), the words " smoke or " Section three hundred and eighty-four.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section sixteen, paragraphs (9) and (10). In section twenty-two, the words " and the cases under subsections (9) and (10) in said section "

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Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In section twenty-four, the word "(10)", the words "and (9)", and the words from " Provided always " to the end of the section. Sections one hundred and one to one hundred and six. In section one hundred and nine, in subsection (2), paragraph (b) and the words " or exclusion ".
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	In section two hundred and sixty-seven, the proviso to subsection (4). Sections one hundred and forty-seven to one hundred and fifty-four. In the Fifth Schedule, in paragraph 1, the words from " and the expression ' smoke nuisance ' " to the end of the paragraph and, in paragraphs 6, 12 and 14, the words from " in a case " to " any other case ", wherever they occur.
2 & 3 Geo. 6. c. 23.	The Public Health (Coal Mine Refuse) (Scotland) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 58.	The Public Health (Coal Mine Refuse) Act, 1939.	The whole Act.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Railways Clauses Consolidation (Scotland) Act, 1845.	8 & 9 Vict. c. 33.
Towns Improvement Clauses Act, 1847	10 & 11 Vict. c. 34.
Smoke Nuisance (Scotland) Act, 1857	20 & 21 Vict. c. 73.
Smoke Nuisance (Scotland) Act, 1865	28 & 29 Vict. c. 102.
Regulation of Railways Act, 1868	31 & 32 Vict. c. 119.
Burgh Police (Scotland) Act, 1892	55 & 56 Vict. c. 55.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.

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Short Title	Session and Chapter
Alkali, &c, Works Regulation Act, 1906	6 Edw. 7. c. 14.
Merchant Shipping Act, 1906	6 Edw. 7. c. 48.
Welsh Church Act, 1914	4 & 5 Geo. 5. c. 91.
Electricity (Supply) Act, 1919	9 & 10 Geo. 5. c. 100.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Public Health (Smoke Abatement) Act, 1926	16 & 17 Geo. 5. c. 43.
Hire Purchase and Small Debt (Scotland) Act, 1932	22 & 23 Geo. 5. c. 38.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
London Building Act (Amendment) Act, 1935	25 & 26 Geo. 5. c. xcii.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6. c. 67.
Hire-Purchase Act, 1938	1 & 2 Geo. 6. c. 53.
Public Health (Coal Mine Refuse) (Scotland) Act. 1939	2 & 3 Geo. 6. c. 23.
Public Health (Coal Mine Refuse) Act, 1939	2 & 3 Geo. 6. c. 58.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Alkali, &c., Works Regulation (Scotland) Act, 1951.	14 & 15 Geo. 6. c. 21.
Visiting Forces Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
Local Government (Financial Provisions) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 13.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 48.
Housing (Repairs and Rents) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 50.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.