



# Public Health Act 1961

## 1961 CHAPTER 64 9 and 10 Eliz 2

An Act to amend the provisions of the Public Health Act 1936, relating to building byelaws, to make such amendments of the law relating to public health and the functions of county councils and other local authorities as are commonly made in local Acts, to amend the law relating to trade effluents and to amend section two hundred and forty-nine of the said Act of 1936. [3rd August 1961]

### Modifications etc. (not altering text)

- C1 Act extended by [London Government Act 1963 \(c. 33\), s. 40](#); explained by [Local Government Act 1972 \(c. 70\), ss. 180\(1\)\(3\)\(h\), 181\(2\)\(e\)](#)
- C2 Power to apply Act with modifications conferred by [New Towns Act 1965 \(c. 59\), s. 34\(3\)](#)
- C3 Minister's functions under this Act exercisable (W.) by Secretary of State: [S.I. 1965/319, art. 2\(1\), Sch. 1 Pt. 1](#)
- C4 Power to transfer certain functions conferred by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\), s. 7\(4\)\(f\)](#)
- C5 Act amended (1.4.1996) by [S.I. 1996/593, reg. 2, Sch. 1](#)  
Act: transfer of functions (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

### Commencement Information

- II Act partly in force at 3.10.1961. see [s. 86\(2\)\(b\)](#), wholly in force at 1. 2. 1966 see [s. 86\(2\)\(a\)](#) by [S.I. 1965/1374](#)

## PART I

### GENERAL

#### 1 Construction.

(1) Part II of this Act [<sup>F1</sup>except so much of it as relates to building regulations] shall be construed as one with Part II of the <sup>M1</sup>Public Health Act 1936.

(2) . . . . . <sup>F2</sup>

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (3) Part V of this Act shall be construed as one with the <sup>M2</sup>Public Health (Drainage of Trade Premises) Act 1937, . . . <sup>F3</sup>
- (4) Subject to the provisions of this Act, the provisions of the <sup>M3</sup>Public Health Act 1936, set out in the following table shall apply in relation to Part IV and Part VI of this Act as if the said Part IV and the said Part VI were contained in that Act.

TABLE

Section	Subject Matter
275	Power of local authority to execute certain work on behalf of owners or occupiers.
283	Form of notices.
284	Authentication of documents.
285	Service of notices.
288	Penalty for obstructing execution of Act.
304	Judges' and justices' liability to rates.
305	Protection of members and officers of local authorities.
341	Power to apply provisions of Act to Crown property.
343	Interpretation.

#### Textual Amendments

**F1** Words inserted by Health and Safety at Work etc. Act 1974 (c. 37), s. 76(2)

**F2** S. 1(2) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3

**F3** Words repealed by London Government Act 1963 (c. 33), Sch. 18 Pt. II

#### Marginal Citations

**M1** 1936 c. 49.

**M2** 1937 c. 40.

**M3** 1936 c. 49.

## 2 Interpretation.

- (1) In this Act “the Minister” means [<sup>F4</sup>the Secretary of State].
- (2) Any reference in this Act to a parish council shall include a reference to the council of a borough included in a rural district.
- (3) In this Act the expression “local authority”, except where the context otherwise requires, means the council of a borough or urban . . . <sup>F5</sup> district, [<sup>F6</sup>the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple] and includes the Council of the Isles of Scilly.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (4) Any reference in this Act to the medical officer of health, or to a public health inspector, or to the surveyor, shall, in relation to premises in the district of a local authority, mean the medical officer of health, or a public health inspector, or the surveyor, of that local authority.
- (5) Any reference in this Act to any enactment shall be taken as a reference to that enactment as amended by or under any other Act, including this Act.

**Textual Amendments**

- F4** Words substituted by virtue of (W.) S.I. 1965/319, arts. 2(1), 10(1), **Sch. 1 Pt. 1**, (E.) 1970/1681, arts. 2(1), 6(3)
- F5** Words repealed by **Local Government Act 1972 (c. 70) Sch. 30**
- F6** Words inserted by **London Government Act 1963 (c. 33), Sch. 11 Pt. I para. 33**

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

- C6** Definition of local authority in s. 2(3) excluded by Health and Safety at **Work etc. Act 1974 (c. 37), s. 76(2)(b)**

**3 Extent.**

This Act shall not extend to Scotland or Northern Ireland . . . <sup>F7</sup>

**Textual Amendments**

- F7** Words repealed by **London Government Act 1963 (c. 33), Sch. 18 Pt. II**

**PART II**

**SANITATION AND BUILDINGS**

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

- C7** **Pt. II** amended by Health and Safety at **Work etc. Act 1974 (c. 37), s. 76(1)(2)**
- C8** **Pt. II** (ss. 4–37) amended by **Housing and Building Control Act 1984 (c. 29, SIF 61), ss. 41(1), 52(1)** and 60(2)(c)

*Building regulations*

**4—11. . . . .** <sup>F8</sup>

**Textual Amendments**

- F8** **Ss. 4–11** repealed by **Building Act 1984 (c. 55, SIF 15), s. 133(2), Sch. 7**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

### *Sewers, drains and sanitary conveniences*

**12—** ..... <sup>F9</sup>  
**14.**

#### **Textual Amendments**

**F9** Ss. 12–14 repealed by [Water Act 1989](#) (c. 15, SIF 130), ss. 69, 190(3), Sch. 8 para. 4(1), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 41(1), 57(6), 58)

**15** ..... <sup>F10</sup>

#### **Textual Amendments**

**F10** [S. 15](#) repealed by [Water Act 1973](#) (c. 37), **Sch. 9**

**16** ..... <sup>F11</sup>

#### **Textual Amendments**

**F11** [S. 16](#) repealed by [Local Government Act 1972](#) (c. 70), **Sch. 30**

#### **[<sup>F12</sup>17 Powers to repair drains etc. and to remedy stopped-up drains etc.**

- (1) If it appears to a local authority that a drain, private sewer, water-closet, waste pipe or soil pipe—
  - (a) is not sufficiently maintained and kept in good repair, and
  - (b) can be sufficiently repaired at a cost not exceeding £250,
 the local authority may, after giving not less than seven days notice to the person or persons concerned, cause the drain, private sewer, water-closet or pipe to be repaired and, subject to subsections (7) and (8) below, recover the expenses reasonably incurred in so doing, so far as they do not exceed £250, from the person or persons concerned, in such proportions, if there is more than one such person, as the local authority may determine.
- (2) In subsection (1) above “person concerned” means—
  - (a) in relation to a water-closet, waste pipe or soil pipe, the owner or occupier of the premises on which it is situated, and
  - (b) in relation to a drain or private sewer, any person owning any premises drained by means of it and also, in the case of a sewer, the owner of the sewer.
- (3) If it appears to a local authority that on any premises a drain, private sewer, water-closet, waste pipe or soil pipe is stopped up, they may by notice in writing require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

---

- (4) If a notice under subsection (3) of this section is not complied with, the local authority may themselves carry out the work necessary to remedy the defect and, subject to subsections (7) and (8) below, may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.
- (5) Where the expenses recoverable by a local authority under sub-section (1) or (4) of this section do not exceed £10, the local authority may, if they think fit, remit the payment of the expenses.
- (6) In proceedings to recover expenses under this section—
  - (a) where the expenses were incurred under subsection (1) of this section, the court—
    - (i) shall inquire whether the local authority were justified in concluding that the drain, private sewer, water-closet, waste pipe or soil pipe was not sufficiently maintained and kept in good repair; and
    - (ii) may inquire whether any apportionment of expenses by the local authority under that subsection was fair;
  - (b) where the expenses were incurred under subsection (4) of this section, the court may inquire—
    - (i) whether any requirement contained in a notice served under subsection (3) of this section was reasonable; and
    - (ii) whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings.
- (7) Subject to subsection (8) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.
- (8) Where the court determines that the local authority were not justified in concluding that a drain, private sewer, water-closet, waste pipe or soil pipe was not sufficiently maintained and kept in good repair, the local authority shall not recover expenses incurred by them under subsection (1) of this section.
- (9) The court shall not revise an apportionment unless it is satisfied that all persons affected by the apportionment or by an order made by virtue of subsection (6)(b)(ii) above have had notice of the proceedings and an opportunity of being heard.
- (10) Subject to subsection (11) of this section, the provisions of subsection (1) of this section shall not authorise a local authority to carry out works on land which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking.
- (11) Subsection (10) of this section does not apply to houses, or to buildings used as offices or showrooms, other than buildings so used which form part of a railway station.
- (12) The Secretary of State may by order made by statutory instrument increase any amount specified in this section.
- (13) Nothing in an order made under subsection (12) of this section shall apply to a notice given under this section before the commencement of the order.
- (14) A statutory instrument containing an order under subsection (12) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

(15) The provisions of this section shall be without prejudice to [<sup>F13</sup>section 59 of the <sup>M4</sup>Building Act 1984] (which empowers a local authority to serve notices as regards defective drains).]

**Textual Amendments**

**F12** S. 17 substituted for sections 17 and 18 by **Local Government (Miscellaneous Provisions) Act 1982** (c. 30, SIF 81:1), **s. 27(1)**

**F13** Words substituted by virtue of **Building Act 1984** (c. 55, SIF 15), s. 133(1), **Sch. 6 para. 8**

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

**C9** S. 17(10) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(x)**; S.I. 1996/218, **art. 2**

**C10** S. 17(10) extended by **Gas Act 1986** (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xii), **Sch. 8 para. 33**, **Water Act 1989** (c. 15, SIF 130), s. 190(1), Sch. 25 para. 1(2)(ix) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**) and **Electricity Act 1989** (c. 29, SIF 44), s. 112(1)(3), Sch. 16 para. 1(1)(xii), Sch. 17 paras. 33, **35(1)**

**Marginal Citations**

**M4** 1984 c.55 (15).

19— ..... <sup>F14</sup>  
21.

**Textual Amendments**

**F14** Ss. 19–21, 23–33 repealed by **Building Act 1984** (c. 55, SIF 15), s. 133(2), **Sch. 7**

**22 Power to cleanse or repair drains.**

A local authority may, on the application of the owner or occupier of any premises, undertake the cleansing or repair of any drains, waterclosets, sinks or gullies in or connected with the premises, and may recover from the applicant such reasonable charge, if any, for so doing as they think fit.

23— ..... <sup>F15</sup>  
33.

**Textual Amendments**

**F15** Ss. 19–21, 23–33 repealed by **Building Act 1984** (c. 55, SIF 15), s. 133(2), **Sch. 7**

*Accumulations of rubbish*

**34 Accumulations of rubbish.**

(1) If it appears to a local authority that there is [<sup>F16</sup>on any land in the open air in their area any rubbish] which is seriously detrimental to the amenities of the neighbourhood,

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

the local authority may, subject to the provisions of this section, take such steps for removing the rubbish as they may consider necessary in the interests of amenity.

- (2) Not less than twenty-eight days before taking any action under this section, the local authority shall serve on the owner and occupier of the [<sup>F16</sup>land] a notice stating the steps which they propose to take and giving particulars of the following provisions of this subsection; and a person on whom the notice is served and any other person having an interest in the land may within twenty-eight days from the service of the notice—
  - (a) serve a counter-notice on the local authority stating that he intends to take those steps himself; or
  - (b) appeal to a magistrates' court on the ground that the local authority were not justified in concluding that action should be taken under this section, or that the steps proposed to be taken are unreasonable.
- (3) If a counter-notice is served under the last foregoing subsection, the local authority shall take no further action in the matter under this section unless the person who served the counter-notice either—
  - (a) fails within what seems to the local authority a reasonable time to begin to take the steps stated in the notice, or
  - (b) having begun to take those steps fails to make such progress towards their completion as seems to the local authority reasonable.
- (4) If an appeal is brought under subsection (2) of this section, the local authority shall take no further action in the matter under this section until the appeal is finally determined or withdrawn; and on the hearing of the appeal the court may direct the local authority to take no further action or may permit the local authority to take such steps as the court may direct or may dismiss the appeal.
- (5) In this section “rubbish” means rubble, waste paper, crockery and metal, and any other kind of refuse (including organic matter), but does not include any material accumulated for, or in the course of, any business [<sup>F17</sup>or waste deposited in accordance with a disposal licence in force under Part I of the <sup>M5</sup>Control of Pollution Act 1974.]

#### Textual Amendments

**F16** Words substituted by [Civic Amenities Act 1967 \(c. 69\), s. 26](#)

**F17** Words added by [Control of Pollution Act 1974 \(c. 40\), Sch. 3 para. 18](#)

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

**C11** S. 34 amended by [Local Government Act 1972 \(c. 70\), Sch. 14 para. 37](#)

#### Marginal Citations

**M5** [1974 c. 40.](#)

### *Filthy or verminous premises or articles*

## **35 Filthy or verminous premises.**

- (1) Section eighty-three of the Public Health Act, 1936 (which relates to the cleansing of filthy or verminous premises), shall be amended as follows.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

(2) For subsection (1) of the said section eighty-three there shall be substituted the following subsections—

“(1) Where a local authority, upon consideration of a report from any of their officers, or other information in their possession, are satisfied that any premises—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health, or
- (b) are verminous,

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them, and the notice may require among other things the removal of wallpaper or other covering of walls, or, in the case of verminous premises, the taking of such steps as may be necessary for destroying or removing vermin.

(1A) A notice under the foregoing subsection may require—

- (a) the interior surface of premises used for human habitation or as shops or offices to be papered, painted or distempered, and
- (b) The interior surface of any other premises to be painted, distempered, or whitewashed,

and shall allow the person on whom the notice is served, or the local authority acting in his default, to choose, in a case under paragraph (a) of this subsection, between papering, painting and distempering and, in a case under paragraph (b) of this subsection, between painting, distempering and whitewashing.”

(3) At the end of the said section eighty-three there shall be added the following subsection—

“(4) This section shall not apply to any premises forming part of a factory or of a mine or a quarry within the meaning of the Mines and Quarries Act, 1954.”

(4) This section shall not affect any notice given under the said section eighty-three before the commencement of this Act.

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

**C12** The text of s. 35 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**36 Power to require vacation of premises during fumigation.**

(1) If a local authority serve a notice under subsection (3) of section eighty-three of the <sup>M6</sup>Public Health Act 1936 as amended by the last foregoing section, on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

- (a) the notice to the occupier may also require that the premises shall, as from such date as may be specified in the notice, be vacated until the local authority give the occupier further notice that the premises can safely be reoccupied; and



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (b) the local authority may also serve notice on the occupiers of any other premises having any floor, wall or ceiling contiguous with the first-mentioned premises, or into which there is reason to apprehend that the gas may penetrate, requiring that those other premises shall be vacated as aforesaid.
- (2) No person shall be required under this section to vacate any premises used for human habitation for any period unless alternative shelter or other accommodation has been provided for him by the local authority free of charge for that period; and any notice given under this section shall specify the alternative shelter or other accommodation so provided.
- (3) A person on whom a notice is served under this section may within the period of seven days from the date on which the notice was served on him appeal to a magistrates' court, and the requirements included in the notice in pursuance of this section shall not take effect until the expiration of that period or, where an appeal is brought within that period, before the appeal is disposed of or withdrawn.

The provisions of this subsection as to the period within which an appeal shall be brought shall have effect notwithstanding anything in subsection (2) of section three hundred of the <sup>M7</sup>Public Health Act 1936 as applied to this Part of this Act.

- (4) So much of subsection (2) of the said section eighty-three as imposes a penalty for failure to comply with the requirements of a notice under that section shall also apply to the requirements included in the notice by virtue of this section.
- (5) The local authority shall defray any reasonable expenses incurred in removing from and returning to any premises in compliance with a notice served under paragraph (b) of subsection (1) of this section, and may, if they think fit, defray any such expenses incurred in compliance with a notice under paragraph (a) of that subsection.

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

**C13** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 68(1)(a)**

**C14** S. 36: Certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), Sch. 2.

S. 36 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch. 2**.

s. 36 modified (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**

**Marginal Citations**

**M6** 1936 c. 49.

**M7** 1936 c. 49.

**37 Prohibition of sale of verminous articles.**

- (1) No dealer shall—
- (a) prepare for sale, or
  - (b) sell or offer or expose for sale, or
  - (c) deposit with any person for sale or preparation for sale,
- any household article if it is to his knowledge verminous, or if by taking reasonable precautions he could have known it to be verminous.
- (2) If a household article which is verminous is on any premises—
- (a) being prepared by a dealer for sale, or

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (b) offered or exposed by a dealer for sale, or
- (c) deposited by a dealer with any person for sale or preparation for sale.

the medical officer of health or public health inspector may cause the article to be disinfested or destroyed as the case may require, and if necessary for that purpose to be removed from the premises; and the local authority may recover from the dealer the expenses reasonably incurred by the local authority in taking any action under this subsection.

- (3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding [<sup>F18</sup>level 1 on the standard scale].
- (4) In this section—
  - (a) “dealer” means a person who trades or deals in any household articles;
  - (b) “household article” means an article of furniture, bedding or clothing or any similar article;
  - (c) references to preparation for sale do not include references to disinfestation.

.....

**Textual Amendments**  
**F18** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

**PART III**

PREVENTION AND NOTIFICATION OF DISEASE

**38—** ..... <sup>F19</sup>  
**42.**

.....

**Textual Amendments**  
**F19** Ss. 38–42 repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

**PART IV**

STREETS AND PUBLIC PLACES

*Streets*

**43, 44.** ..... <sup>F20</sup>

.....

**Textual Amendments**  
**F20** Ss. 43, 44 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#) s. 343(3), Sch. 25

---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

---

#### **45 Attachment of street lamps to buildings.**

- (1) Subject to the provisions of this section, a county council, local authority or parish council or parish meeting (hereafter in this section referred to as a “street lighting authority”) may affix to any building such lamps, brackets, pipes, electric lines and apparatus (hereafter in this section referred to as “attachments”) as may be required for the purposes of street lighting.
- (2) A street lighting authority shall not under this section affix attachments to a building without the consent of the owner of the building:  
Provided that, where in the opinion of the street lighting authority any consent required under this subsection is unreasonably withheld, they may apply to the appropriate authority, who may either allow the attachments subject to such conditions, if any, as to rent or otherwise as the appropriate authority thinks fit, or disallow the attachments.
- (3) Where any attachments have been affixed to a building under this section and the person who gave his consent under subsection (2) of this section, or who was the owner of the building when the attachments were allowed by the appropriate authority, ceases to be the owner of the building, the subsequent owner may give to the street lighting authority notice requiring them to remove the attachments; and, subject to the provisions of this subsection, the street lighting authority shall comply with the requirements within three months after the service of the notice:  
Provided that, where in the opinion of the street lighting authority any such requirement is unreasonable, they may apply to the appropriate authority, who may either annul the notice subject to such conditions, if any, as to rent or otherwise as the appropriate authority thinks fit or confirm the notice subject to such extension, if any, of the said period of three months as the appropriate authority thinks fit.
- (4) Where any attachments have been affixed to a building under this section, the owner of the building may give the street lighting authority by whom they were affixed not less than fourteen days notice requiring them at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.
- (5) Where attachments are affixed to a building under this section, the street lighting authority shall have the right as against any person having an interest in the building to alter or remove them, or to repair or maintain them.
- (6) If the owner of a building suffers damage by, or in consequence of, the affixing to the building of any attachments under this section, or by or in consequence of the exercise of the rights conferred by subsection (5) of this section, he shall be entitled to be paid by the street lighting authority compensation to be determined in case of dispute by the Lands Tribunal, and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, Rules 2 to 4 of the Rules set out in section five of the <sup>M8</sup>Land Compensation Act 1961 shall apply.
- (7) A street lighting authority shall not do anything under this section which would, to their knowledge, be in contravention of a building preservation order under section twenty-nine of the <sup>M9</sup>Town and Country Planning Act 1947.
- (8) In this section “appropriate authority” means a magistrates’ court, except that in relation to buildings of the descriptions in the Fourth Schedule to this Act it has the meaning there given.
- (9) In this section—  
“building” includes a structure and a bridge or aqueduct over a street;

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

“owner—

- (a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired, means the occupier of the building, and
- (b) in relation to any other building, has the same meaning as in the <sup>M10</sup>Public Health Act 1936 and

“owned” shall be construed accordingly;

“street lighting” includes the lighting of markets and public buildings under section one hundred and sixty-one of the <sup>M11</sup>Public Health Act 1875 (which relates to the powers conferred on urban authorities within the meaning of that Act), and the lighting of public places under section three of the <sup>M12</sup>Parish Councils Act 1957

and the definitions in this section shall apply for the purposes of the Fourth Schedule to this Act.

- (10) Section five of the <sup>M13</sup>Parish Councils Act 1957 (which contains provisions as to the consents required for the exercise of the powers of street lighting conferred by that Act), shall not apply in relation to the affixing after the commencement of this Act of any attachments to a building within the meaning of this section but those powers shall not be taken to authorise anything to be done without consent for which consent is required by this section.

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

- C15** S. 45 modified by [S.I. 1973/686, art. 3\(1\), Sch. 3](#)
- C16** S. 45 extended by [Local Government Act 1966 \(c. 42\) s. 28\(4\)](#) and [Highways Act 1980 \(c. 66, SIF 59\), s. 97\(4\)](#)
- C17** S. 45: functions of the Secretary of State for Transport may be exercised by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986, art. 2, Sch. 3 para. 5](#)
- C18** S. 45(2)(4)-(6)(8)(9) applied (with modifications) (27.7.1993) by [1993 c. xv, s.23](#).  
S. 45(2)(4)-(6)(8)(9) applied (with modifications) (21.7.1994) by [1994 c. xi, s. 25](#)  
S. 45(2)(4)-(6)(8)(9) applied (with modifications) (21.7.1994) by [1994 c. xv, s. 24\(1\)\(a\)\(b\)](#)  
S. 45: functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106, art. 2 Sch. 3 para. 5\(a\)](#)

#### Marginal Citations

- M8** 1961 c. 33
- M9** 1947 c. 51.
- M10** 1936 c. 49.
- M11** 1875 c. 55.
- M12** 1957 c. 42.
- M13** 1957 c. 42.

46— ..... F21  
50.

#### Textual Amendments

- F21** Ss. 46–50 repealed by [Highways Act 1980 \(c. 66, SIF 59\), s. 78, Sch. 25](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

51 ..... F22

**Textual Amendments**

F22 S. 51 repealed by [Litter Act 1983 \(c. 35, SIF 100:3\)](#), s. 12(3), [Sch. 2](#)

*Parks and open spaces*

**52 Management of parks and pleasure-grounds.**

- (1) Sections seventy-six and seventy-seven of the <sup>M14</sup>Public Health Acts Amendment Act 1907 (which give a local authority certain powers as regards their parks and pleasure-grounds), together with Part VI of the <sup>M15</sup>Public Health Act 1925 (which extends the said section seventy-six), shall be in force throughout the district of every local authority . . . <sup>F23</sup>
- (2) When any part of a park or pleasure-ground is set apart by a local authority under paragraph (b) of subsection (1) of the said section seventy-six for the purpose of cricket, football or any other game or recreation, the local authority may, subject to the restrictions or conditions, if any, prescribed by rules made under that section, permit the exclusive use by any club or other body of persons of—
  - (a) any portion of the part set apart as aforesaid, and
  - (b) the whole or any part of any pavilion, convenience, refreshment room or other building provided under that section,subject to such charges and conditions as the local authority think fit.
- (3) Subsection (2) of this section shall not empower a local authority to permit at one and the same time the exclusive use of—
  - (a) more than one-third of the area of any park or pleasure-ground, or
  - (b) more than one-quarter of the total area of all the parks and pleasure-grounds provided by them or under their management and control,and in exercising their powers under paragraph (a) of that subsection, the local authority must satisfy themselves that they have not unfairly restricted the space available to the public for games and recreations.
- (4) Subsections (2) and (3) of this section shall be read as one with the said section seventy-six.

**Textual Amendments**

F23 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

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

C19 S. 52 amended by [S.I. 1966/1305](#), [art. 5\(1\)](#) and [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 para. 42](#)

**Marginal Citations**

M14 1907 c. 53.

M15 1925 c. 71.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

**53 Closing of parks and pleasure-grounds.**

- (1) Subsection (1) of section forty-four of the <sup>M16</sup>Public Health Acts Amendment Act 1890 (which empowers a local authority to close their parks and pleasure-grounds or to allow their use for a show or other special purposes), shall be amended as follows.
- (2) That subsection shall be in force throughout the district of every local authority, . . . <sup>F24</sup>
- (3) So much of the said subsection as restricts the power of closing parks or pleasure-grounds shall have effect as if for the reference to four consecutive days there were substituted a reference to six consecutive days (excluding Sunday) and in computing any such period of six consecutive days a Saturday and the following Monday shall be regarded as consecutive days.
- (4) The proviso to the said subsection (which prohibits the closing of a park or pleasure ground on a Sunday or public holiday) shall cease to apply to a public holiday, but on any bank holiday, or on Christmas Day or Good Friday, or on a day appointed for public thanksgiving or mourning, a local authority shall not have power under the subsection to close any park or pleasure-ground, or any part thereof, if the area so closed, together with any other area so closed, exceeds one-quarter of the total area of all the parks or pleasure-grounds provided by the local authority.
- (5) . . . . . <sup>F25</sup>

<p><b>Textual Amendments</b></p> <p><b>F24</b> Words repealed by <a href="#">Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. IV</a></p> <p><b>F25</b> <a href="#">S. 53(5)</a> repealed by <a href="#">Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. IV</a></p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C20</b> <a href="#">S. 53</a> amended by <a href="#">S.I. 1966/1305, art. 5(1)</a> and <a href="#">Local Government Act 1972 (c. 70), Sch. 14 para. 42</a></p> <hr/> <p><b>Marginal Citations</b></p> <p><b>M16</b> <a href="#">1890 c. 59.</a></p>
--

**54 Boating pools and lakes.**

- (1) Subject to the provisions of this section, a local authority or parish council may in any park or pleasure-ground provided by them, or under their management and control, provide a boating pool.
- (2) The local authority or parish council may provide such buildings and execute such work as may be necessary or expedient in connection with the provision of a boating pool under this section, and may also provide boats for the boating pool and such other equipment as may be reasonably required in connection with the use of the boating pool and buildings.  
  
References in this section to a boating pool so provided shall include references to anything else provided under this subsection.
- (3) The local authority or parish council may either—
  - (a) themselves manage a boating pool provided under this section, making such reasonable charges for its use, or for admission, as they think fit, or

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (b) let it, or any part of it, for such consideration, and on such terms and conditions, as they think fit.
- (4) Where the existence of a boating pool is likely to interfere with any water flowing directly or indirectly out of or into any watercourse which is vested in or controlled by a river board, catchment board or internal drainage board, the local authority or parish council shall before providing a boating pool under this section consult with the board.
- (5) 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 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 the covenant or condition.
- (6) Subsection (2) of section forty-four of the <sup>M17</sup>Public Health Acts Amendment Act 1890 (which gives a local authority certain powers as regards lakes and water in parks and pleasure-grounds)—
- (a) shall apply in relation to a park or pleasure-ground under the management and control of a local authority as it applies in relation to a park or pleasure-ground provided by them, and
- (b) shall be in force throughout the district of every local authority;
- ..... <sup>F26</sup>
- (7) Section two hundred and seventy-eight of the <sup>M18</sup>Public Health Act 1936 (under which compensation may be paid for damage incurred in consequence of the exercise by the local authority of their powers under that Act), shall apply as if this section were contained in that Act.
- (8) ..... <sup>F27</sup>
- (9) Sections three hundred and thirty-one and three hundred and thirty-four of the Public Health Act 1936 (which contain savings for water rights and for the works of land drainage authorities), shall apply as if this section were contained in that Act and as if references in those sections to a local authority included references to a parish council.
- (10) It is hereby declared that this section does not authorise a local authority or parish council to do anything in contravention of byelaws made under section forty-seven of the <sup>M19</sup>Land Drainage Act 1930 (under which byelaws may be made, among other things, for regulating the use of watercourses).

**Textual Amendments**

- F26** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. IV](#)
- F27** [S. 54\(8\)](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

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

- C21** [S. 54](#) amended by [S.I. 1966/1305, art. 5\(1\)](#) and [Local Government Act 1972 \(c. 70\), Sch. 14 para. 42](#)

**Marginal Citations**

- M17** 1890 c. 59.
- M18** 1936 c. 49.
- M19** 1930 c. 44.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

**PART V**

**TRADE EFFLUENTS**

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

- C22** In this Part “the Act of 1937” means **Public Health (Drainage of Trade Premises) Act 1937 (c. 40)**
- C23** Pt. V (ss. 55–71) amended by **Water Act 1989 (c. 15, SIF 130)**, s. 69, **Sch. 8 para. 1(2)(d)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)
- C24** Pt. V (ss. 55–71) modified by **Water Act 1989 (c. 15, SIF 130)**, s. 74(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(1)(c), 17, 40(4), 57(6), 58)

**55**— ..... **F28**  
**57.**

**Textual Amendments**

**F28** Ss. 55–57 repealed by **Control of Pollution Act 1974 (c. 40)**, **Sch. 4**

**58** ..... **F29**

**Textual Amendments**

**F29** S. 58 repealed by **Statute Law (Repeals) Act 1974 (c. 22)**, **Sch. Pt. XI**

*Conditions attached to consents*

**59** **Conditions which may be attached to consents under Act of 1937.**

- (1) Paragraph (e) of subsection (3) of section two of the <sup>M20</sup>Act of 1937 (under which conditions may be attached to a consent under that Act with respect to the matters set out in subsection (1) of the said section five) shall cease to have effect but conditions may be so attached under the said subsection (3) with respect to all or any of the following matters (which correspond, subject to minor variations, to the matters set out in subsection (1) of the said section five)—
  - (a) the period or periods of the day during which the trade effluent may be discharged from the trade premises into the sewer,
  - (b) the exclusion from the trade effluent of all condensing water,
  - (c) the elimination or diminution of any specified constituent of the trade effluent, before it enters the sewer, where the [<sup>F30</sup>water authority] are satisfied that that constituent would, either alone or in combination with any matter with which it is likely to come into contact while passing through any sewers—
    - (i) injure or obstruct those sewers, or make specially difficult or expensive the treatment or disposal of the sewage from those sewers,
    - or



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (ii) (where the trade effluent is to be, or is, discharged into a sewer having an outfall in any harbour or tidal water or into a sewer which connects directly or indirectly with a sewer or sewage disposal works having such an outfall) cause or tend to cause injury or obstruction to the navigation on, or the use of, the said harbour or tidal water,
  - (d) the temperature of the trade effluent at the time when it is discharged into the sewer, and its acidity or alkalinity at that time,
  - (e) The payment by the occupier of the trade premises to the [<sup>F30</sup>water authority] of charges for the reception of the trade effluent into the sewer, and for the disposal thereof, regard being had to the nature and composition and to the volume and rate of discharge of the trade effluent so discharged, to any additional expense incurred or likely to be incurred by a [<sup>F30</sup>water authority] in connection with the reception or disposal of the trade effluent, and to any revenue likely to be derived by a [<sup>F30</sup>water authority] from the trade effluent,
  - (f) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into the sewer from the trade premises, and
  - (g) the provision and maintenance of such meters as may be required to measure the volume and rate of discharge of any trade effluent being discharged from the trade premises into the sewer, and for the testing of such meters.
- (2) Conditions may also be imposed under the said subsection (3) with respect to all or any of the following matters—
- (a) the provision and maintenance of apparatus for determining the nature and composition of any trade effluent being discharged from the premises into the sewer, and for the testing of the apparatus,
  - (b) the keeping of records of the volume, rate of discharge, nature and composition of any trade effluent being so discharged, and in particular the keeping of records of readings of meters and other recording apparatus provided in compliance with any other condition attached to the consent, and
  - (c) the making of returns and giving of other information to the local authority concerning the volume, rate of discharge, nature and composition of any trade effluent so discharged.

#### Textual Amendments

**F30** Words substituted by virtue of [Water Act 1973 \(c. 37\), s. 14\(2\)](#)

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

**C25** S. 59 excluded by [Water Act 1989 \(c. 15, SIF 130\), s. 74\(1\), Sch. 9 para. 4\(3\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

**C26** Power to repeal s. 59(1)(e) conferred (*prosp.*) by [Control of Pollution Act 1974 \(c. 40\), s. 52\(1\)\(b\)](#)

#### Marginal Citations

**M20** [1937 c. 40.](#)

## 60 Power to vary conditions.

- (1) A [<sup>F31</sup>water authority] may from time to time . . . <sup>F32</sup> give a direction varying the conditions which have been attached to their consent to the discharge of trade effluent into a public sewer.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (2) No direction shall be given under subsection (1) of this section within two years from the date of the consent or, where a previous direction has been given under that subsection, within two years from the date on which notice was given of that direction, but this subsection shall not prevent a direction being given before that time with the written consent of the owner and occupier of the trade premises, and any direction given with such consent shall not affect the time at which any subsequent direction may be given.
- (3) ..... F33
- (4) The [F31water authority] shall give to the owner and occupier of the trade premises to which the consent relates notice of any direction under subsection (1) of this section, and the notice shall include information as to the right of appeal conferred by the next following subsection.
- (5) The owner or occupier of the trade premises may within two months of the giving of the notice to him, or with the written permission of the [F31water authority] at any later time, appeal to the Minister against the direction.
- (6) The notice shall state the date on which the direction is to take effect, being a date not less than two months after the giving of the notice, and if an appeal is brought under this section before that date, the direction shall not take effect until the appeal is withdrawn or finally disposed of:  
Provided that so far as a direction relates to the making of charges payable by the occupier of the trade premises, it may take effect on any date after the giving of the notice.
- (7) On an appeal under this section the Minister shall have power to annul the direction given by the [F31water authority] or to substitute for it any other direction, whether more or less favourable to the appellant, and any direction given by the Minister may include provision as to the charges to be made for any period between the giving of the notice by the [F31water authority] and the determination of the appeal.
- (8) References in this section to the variation of conditions include references to the addition or annulment of a condition, or to the attachment of a condition to a consent to which no condition was previously attached.

#### Textual Amendments

- F31** Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), [s. 14\(2\)](#)
- F32** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 190\(3\)](#), [Sch. 27 Pt. I](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [41\(1\)](#), [57\(6\)](#), [58](#))
- F33** [S. 60\(3\)](#) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 190\(3\)](#), [Sch. 27 Pt. I](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [41\(1\)](#), [57\(6\)](#), [58](#))

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

- C27** [S. 60](#) amended by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 69](#), [Sch. 8 para. 4\(2\)\(a\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [13\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C28** [S. 60\(1\)](#) amended by [S.I. 1965/654](#), [art. 24\(2\)\(c\)](#); explained by [Control of Pollution Act 1974 \(c. 40\)](#), [s. 44\(1\)](#)
- C29** [S. 60\(2\)](#) amended by [S.I. 1965/654](#), [art. 24\(2\)\(c\)](#); excluded (*prosp.*) by [Control of Pollution Act 1974 \(c. 40\)](#), [s. 45\(1\)](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

**C30** S. 60(5) amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 4(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)

## 61 Appeals under s. 3 of Act of 1937.

- (1) This section shall have effect as respects any appeal under section three of the Act of 1937 (under which an appeal may be brought by a person aggrieved . . . <sup>F34</sup> by refusal or failure to give a consent under that Act, or by a condition attached to a consent).
- (2) Where the appeal is in respect of a refusal to give a consent under the Act of 1937, or failure to give such a consent, the Minister may give the necessary consent, either unconditionally or subject to such conditions as the Minister thinks fit to impose for determining any of the matters as respects which the local authority have power to impose conditions under subsection (3) of section two of the Act of 1937.
- (3) Where the appeal is in respect of a condition attached to a consent the Minister may take into review all the conditions attached to the consent, whether appealed against or not, and may substitute for them any other set of conditions, whether more or less favourable to the appellant, or may annul any of the conditions.
- (4) The Minister may under the last foregoing subsection include provision as to the charges to be made in pursuance of any condition attached to a consent for any period before the determination of the appeal.
- (5) On any appeal the Minister may give a direction that no trade effluent shall be discharged in pursuance of the trade effluent notice in question until a specified date, . . . <sup>F35</sup>.
- (6) This section shall not apply to an appeal instituted before the commencement of this Act.

### Textual Amendments

- F34** Words repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F35** Words repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

### Modifications etc. (not altering text)

- C31** S. 61 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 3(2)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)
- C32** Power to repeal s. 61(4) conferred (*prosp.*) by Control of Pollution Act 1974 (c. 40), **s. 52(1)(b)**

## 62 Postponement of right to discharge trade effluents in special cases.

- (1) If, after a direction has under . . . <sup>F36</sup> this Part of this Act been given requiring that no trade effluent shall be discharged in pursuance of a trade effluent notice until a specified date, it appears to the [<sup>F37</sup>water authority] that in consequence of a failure to complete any works required in connection with the reception and disposal of the trade effluent, or in consequence of any other exceptional circumstances, a later date ought to be substituted for the date so specified in the direction, they may apply to the Minister and the Minister shall have power to vary the direction so as to extend the

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

period during which the trade effluent may not be discharged until the date specified in the application or, if he thinks fit, any earlier date.

- (2) Not less than one month before making an application under this section the [F37 water authority] shall give notice of their intention to the owner and occupier of the trade premises to which the trade effluent notice relates and the Minister before varying the direction shall take into account any representations made to him by the owner or occupier of those trade premises.

#### Textual Amendments

- F36** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F37** Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), s. 14(2)

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

- C33** S. 62 amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 4(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)

### *Farming, scientific research and other special cases*

## 63 Effluents from farms and premises used for scientific research.

- (1) For the purposes of the definition of “trade premises” in subsection (1) of section fourteen of the Act of 1937, any land or premises used or intended to be used (in whole or in part and whether for profit or not)—
- for agricultural or horticultural purposes [F38 or for the purposes of fish farming], or
  - for scientific research or experiment,
- shall be deemed to be premises used for carrying on a trade or industry, and for the purposes of the definition in that subsection of “trade effluent” the expression “trade or industry” shall include agriculture, horticulture [F39 fish farming] and scientific research or experiment.
- (2) Subject to the provisions of this section, if at the commencement of this Act, or at any earlier time not more than one year before the commencement of this Act, there was being discharged from any premises any quantity of effluent which would fall within the definition of trade effluent as amended by this section (but not as unamended), none of the restrictions imposed by sections one and two of the Act of 1937 shall by virtue of subsection (1) of this section apply in relation to the discharge from those premises of trade effluent of the same nature and composition—
- during the period of twelve months beginning with the commencement of this Act, and
  - if before the end of the said period of twelve months a trade effluent notice is duly served under section two of the Act of 1937 regarding the discharge from those premises of trade effluent of that nature and composition, either during the said period of twelve months or at any later time permitted under the next following subsection.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (3) Where such a trade effluent notice has been served before the end of the said period of twelve months, the exemption conferred by subsection (2) of this section shall continue—
- (a) until the [<sup>F40</sup>water authority] give their consent under the Act of 1937 or give notice to the owner or occupier of the trade premises that they refuse to give their consent, and
  - (b) for a further three months beginning with the giving of the consent, or of notice refusing the consent,
- and if before the expiration of the said period of three months an appeal is brought under section three of the Act of 1937 by reference to the trade effluent notice, the exemption shall continue until the appeal is withdrawn or finally disposed of.
- (4) The exemptions conferred by subsection (2) and subsection (3) of this section shall apply only if and so long as the quantity of the trade effluent in question discharged from the premises into the sewer on any one day does not exceed the maximum quantity thereof so discharged on any one day during the period of twelve months ending immediately before the commencement of this Act, and the exemption conferred by virtue of subsection (3) of this section shall apply only in relation to the discharge of trade effluent in accordance with the trade effluent notice.
- (5) ..... <sup>F41</sup>
- (6) The owner or occupier of any trade premises from which any effluent which falls within the definition of trade effluent by virtue of subsection (1) of this section is discharged into a sewer shall, if requested by the [<sup>F40</sup>water authority] in writing so to do, furnish to the [<sup>F40</sup>water authority] such information specified in the request as he can reasonably be expected to supply with respect to the discharge of any effluent from those premises during the period of one year ending with the commencement of this Act.
- (7) A person who fails to comply with a request for information under the last foregoing subsection shall be liable to a fine not exceeding [<sup>F42</sup>level 1 on the standard scale].
- (8) Nothing in this Part of this Act shall affect any agreement duly made before the commencement of this Act between a local authority and the owner or occupier of any premises with respect to the discharge from those premises of any effluent which would fall within the definition of trade effluent as amended by subsection (1) of this section (but not as unamended).

#### Textual Amendments

- F38** Words inserted by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 4(5)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)
- F39** Words inserted by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 4(5)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)
- F40** Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), s. 14(2)
- F41** [S. 63\(5\)](#) repealed by [Control of Pollution Act 1974 \(c. 40\)](#), **Sch. 4**
- F42** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

**64 Power to extend Act of 1937 to other effluents.**

- (1) The Minister may by order provide that the Act of 1937 and this Part of this Act shall apply in relation to liquid or other matter of any description specified in the order which is discharged from any premises into public sewers as they apply in relation to trade effluents, but subject to such modifications, if any, as may be specified in the order, and in particular subject to any modification of the definition of trade premises in the Act of 1937 which may be so specified.
- (2) The Minister may include in an order under this section such provisions as appear to him expedient for modifying any enactment relating to sewage as that enactment applies in relation to the discharge into sewers of any liquid or other matter to which any provisions of the Act of 1937 are applied by an order under this section.
- (3) The Minister may include in an order under this section such transitional, supplemental and incidental provisions as appear to him to be expedient.
- (4) An order made under this section may be varied or revoked by a subsequent order.
- (5) An order under this section shall be made by statutory instrument and the Minister shall not make an order under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

**65** ..... F43

<p><b>Textual Amendments</b>  <b>F43</b> S. 65 repealed by <a href="#">Water Act 1973 (c. 37)</a>, <a href="#">Sch. 9</a></p>
---

*Supplemental*

**66 Appeals to the Minister.**

- (1) At any stage of the proceedings on an appeal or reference to the Minister under section three, or subsection (5) of section four, of the Act of 1937, or under any provision of this Part of this Act, the Minister may, and if so directed by the High Court shall, state in the form of a special case for the decision of the High Court any question of law arising in those proceedings; and the decision of the High Court on the special case shall be deemed to be a judgment of the Court within the meaning of section [F44]16 of the Supreme Court Act 1981] (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals on any judgment of the High Court), but no appeal to the Court of Appeal shall be brought by virtue of this subsection except with the leave of the High Court or the Court of Appeal.
- (2) The Act of 1937 and this Part of this Act shall apply in relation to any consent or direction given, or condition imposed, by the Minister on an appeal concerning the exercise of the powers of a [F45]water authority] under any provision of the Act of 1937 or this Part of this Act as if the consent or direction had been given or, as the case may be, the condition had been imposed by the [F45]water authority] under that provision.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

#### Textual Amendments

**F44** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), **Sch. 5**

**F45** Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), s. 14(2)

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

**C34** [S. 66](#) amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, Sch. 8 paras. 3(2), **4(2)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)

### 67 Recording and testing of trade effluents.

- (1) Any meter or apparatus provided in pursuance of the Act of 1937 or this Part of this Act in any trade premises for the purpose of measuring, recording or determining the volume, rate of discharge, nature or composition or trade effluent discharged from those premises shall in any proceedings be presumed to register accurately until the contrary is shown.
- (2) The powers of entry conferred by section two hundred and eighty-seven of the <sup>M21</sup>Public Health Act 1936, as applied to this Part of this Act, shall extend to entry for the purpose of reading any meter or other recording apparatus provided in any premises in pursuance of the Act of 1937 or this Part of this Act for the purpose of assessing any charge.
- (3) In subsection (2) of section ten of the Act of 1937 (which provides that the result of an analysis of a sample of trade effluent taken under that section shall not be admissible as evidence unless certain requirements have been complied with) references to an analysis shall include references to any test of whatever kind and “analysed” and “analyst” in that subsection shall be construed accordingly.

#### Marginal Citations

**M21** [1936 c. 49](#).

### 68 Restriction of disclosure of information.

- (1) If any person discloses any information which has been furnished to him under the Act of 1937 or this Part of this Act he shall be guilty of an offence, unless the disclosure is made—
  - (a) with the consent of the person by whom the information was furnished; or
  - (b) in connection with the execution of the Act of 1937 or this Part of this Act; or
  - (c) for the purposes of any proceedings arising out of the Act of 1937 or this Part of this Act (including appeals and applications to the Minister and arbitrations) or of any criminal proceedings whether so arising or not, or for the purpose of any report of any such proceedings.
- (2) A person guilty of an offence under the foregoing subsection shall be liable on summary conviction to a fine not exceeding [<sup>F46</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

**Textual Amendments**

**F46** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

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

**C35** S. 68 amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, Sch. 8 paras. 3(2), **4(2)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 57(6), 58)

**C36** S. 68(1)(b)(c) amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 74, Sch. 9 para. 8 (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

**69 Explanation of Act of 1937.**

(1) It is hereby declared that nothing in the Act of 1937 or this Part of this Act authorises the discharge of any effluent into a public sewer otherwise than by means of a drain or sewer as defined in the <sup>M22</sup>Public Health Act. 1936.

(2) It is hereby declared that the power of the Minister to amend or adapt local Acts under subsection (1) of section twelve of the Act of 1937, as applied to this Part of this Act, applies to local Acts coming into force after, as well as before, that Act.

**Marginal Citations**

**M22** 1936 c. 49.

**70** ..... **F47**

**Textual Amendments**

**F47** S. 70 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 69, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**71** ..... **F48**

**Textual Amendments**

**F48** S. 71 repealed by [London Government Act 1963 \(c. 33\)](#), **Sch. 18 Pt. II**

**PART VI**

**MISCELLANEOUS**

**72** ..... **F49**



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

#### Textual Amendments

**F49** S. 72 repealed by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. III](#)

### 73 Derelict petrol tanks.

- (1) Where a fixed tank or other fixed container which has been used for the storage of petroleum spirit, and is no longer used for that purpose, is kept on any premises, the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from the container.
- (2) An officer of the local authority duly authorised by them may, on producing, if so required, some duly authenticated document showing his authority, require the occupier of premises on which there is any tank or other container to which subsection (1) of this section applies to show it to him and permit him to ascertain whether steps have been taken to comply with the provisions of this section.
- (3) The local authority may by notice require the occupier of the premises to take the steps reasonably necessary to prevent danger from any tank or other container to which subsection (1) of this section applies.
- (4) The provisions of Part XII of the <sup>M23</sup>Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (3) of this section, and shall so apply as if this section were contained in that Act.
- (5) This section shall apply in relation to premises which are unoccupied with the substitution for the references to the occupier of the premises of references to their owner (as defined in subsection (1) of section three hundred and forty-three of the Public Health Act 1936); and this section shall not apply to premises situated within the jurisdiction of a harbour authority (as defined in section twenty-three of the <sup>M24</sup>Petroleum (Consolidation) Act 1928).
- (6) In this section the expression “petroleum spirit” has the same meaning as in the said Act of 1928.

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

**C37** S. 73 amended by [S.I. 1990/1380](#), [regs. 3, 4](#)

#### Marginal Citations

**M23** 1936 c. 49.

**M24** 1928 c. 32.

### 74 Power to reduce numbers of pigeons and other birds in built-up areas.

- (1) Subject to the provisions of this section, a local authority shall have power to take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation in any built-up area of house doves or pigeons or of starlings or sparrows.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (2) Nothing in section twenty-three of the <sup>M25</sup>Larceny Act 1861 or in any other provision in that Act, shall prevent a local authority, in exercise of their powers under this section, from taking any reasonable steps to seize or destroy, or sell or otherwise dispose of, any house doves or pigeons which in their belief have no owner.
- (3) A local authority acting under this section shall take all reasonable precautions to ensure that the seizure and destruction of any birds are carried out humanely.
- (4) It is hereby declared that this section does not authorise a local authority to do anything in contravention of [<sup>F50</sup>Part I of the Wildlife and Countryside Act 1981].

#### Textual Amendments

**F50** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 72(6)

#### Marginal Citations

**M25** [1861 c. 96](#).

## 75 Byelaws as to pleasure fairs and roller skating rinks.

- (1) A local authority may make byelaws—
  - (a) for regulating the hours during which pleasure fairs and roller skating rinks may be open to the public;
  - (b) for securing safe and adequate means of ingress to, and egress from, any pleasure fair or roller skating rink;
  - (c) for the prevention and suppression of nuisances, and the preservation of sanitary conditions, cleanliness, order and public safety, at any pleasure fair or roller skating rink;
  - [<sup>F51</sup>(d) without prejudice to the generality of the preceding paragraph, for preventing outbreaks of fire which might endanger—
    - (i) stands, stalls or other structures used or intended for use in connection with any pleasure fair, or
    - (ii) caravans used or intended for use as sleeping accommodation in connection with any pleasure fair,
 and for reducing the risk of, and the spread of fire from, such outbreaks.]
 and it shall be the duty of the local authority to enforce byelaws made by them under this section.
- (2) In this section—
  - (a) “pleasure fair” means any place—
    - (i) which is for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any entertainment to which this section applies, and
    - (ii) for admission to which, or for the use of the contrivances in which, a charge is made;
  - (b) “roller skating rink” means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.
- (3) Subject to the provisions of the next following subsection, the entertainments to which this section applies are the following:—

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (a) circuses;
  - (b) exhibitions of human beings or of performing animals;
  - (c) merry-go-rounds, roundabouts, swings, switchback railways;
  - (d) coco-nut shies, hoop-las, shooting galleries, bowling alleys;
  - (e) dodgems or other mechanical riding or driving contrivances;
  - (f) automatic or other machines intended for entertainment or amusement;
  - (g) anything similar to any of the foregoing.
- (4) ..... <sup>F52</sup>
- (5) Different byelaws may be made under this section for pleasure fairs and roller skating rinks and for different kinds of pleasure fairs.
- (6) Section two hundred and eighty-seven of the <sup>M26</sup>Public Health Act 1936 (which relates to powers of entry), shall have effect as if this section were contained in that Act.
- (7) Section thirty-eight of the <sup>M27</sup>Public Health Acts Amendment Act 1890 (under which byelaws may be made for the prevention of danger from roundabouts, swings and shooting galleries), shall cease to have effect, but any byelaws under that section in force at the commencement of this Act shall continue in force and may be revoked at any time as if they had been made under this section.
- (8) The Secretary of State shall be the confirming authority as respects byelaws under this section, and the Secretary of State shall not confirm any byelaws under this section unless he is satisfied that all bodies which appear to him to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies have been consulted on the matters dealt with by the byelaw [<sup>F53</sup>and, in the case of a byelaw made in pursuance of subsection (1)(d) of this section, that the fire authority within the meaning of the <sup>M28</sup>Fire Services Act 1947 for the area to which the byelaw applies have been so consulted].

**Textual Amendments**

- F51** S. 75(1)(d) inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(1\)](#)
- F52** S. 75(4) repealed with saving by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(2\), Sch. 2](#)
- F53** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(3\)](#)

**Marginal Citations**

- M26** 1936 c. 49.
- M27** 1890 c. 59.
- M28** 1947 c. 41.

**76 Byelaws as to seaside pleasure boats.**

- (1) For the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore, a local authority may make byelaws—
- (a) regulating the speed of pleasure boats;
  - (b) regulating the use of pleasure boats so as to prevent their navigation in a dangerous manner or without due care and attention or without reasonable consideration for other persons;

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

- (c) requiring the use of effectual silencers on pleasure boats propelled by internal combustion engines.
- (2) The Secretary of State shall be the confirming authority as respects byelaws made under this section.
- (3) ..... F54
- (4) Any byelaw made under this section shall be of no effect if and in so far as it is inconsistent with any byelaw made by any dock undertakers or by any person authorised by any enactment or statutory order to construct or operate a pier.

**Textual Amendments**  
**F54** S. 76(3) repealed with saving by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), s. 17(5), [Sch. 2](#)

---

**Modifications etc. (not altering text)**  
**C38** S. 76 extended by [S.I. 1972/971](#) art. 4, Sch. 1

**77 Byelaws as to hairdressers and barbers.**

- (1) A local authority may make byelaws for the purpose of securing—
  - (a) the cleanliness of premises on which a hairdresser’s or barber’s business is carried on and of the instruments, towels, materials and equipment used therein, and
  - (b) the cleanliness of the hairdressers or barbers working in such premises in regard to both themselves and their clothing;
 and it shall be the duty of the local authority to enforce byelaws made by them under this section.
- (2) Section two hundred and eighty-seven of the <sup>M29</sup>Public Health Act 1936 shall have effect as if this section were contained in that Act.
- (3) The Minister shall be the confirming authority as respects byelaws under this section.

**Marginal Citations**  
**M29** [1936 c. 49](#).

**78** ..... F55

**Textual Amendments**  
**F55** S. 78 repealed by [Water Act 1981 \(c. 12, SIF 130\)](#), s. 5(2)(4)

**79** ..... F56

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

**Textual Amendments**

**F56** S. 79 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

**80** ..... <sup>F57</sup>

**Textual Amendments**

**F57** S. 80 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

**81 Summary recovery of damages for negligence.**

Damages recoverable by a county council, local authority or parish council or parish meeting . . . <sup>F58</sup> for damage caused by negligence to any lamp, lamp-post, notice board, fence, rail, post, shelter or other apparatus or equipment provided by them in a street or public place shall, if the amount thereof does not exceed twenty pounds, be recoverable summarily as a civil debt.

**Textual Amendments**

**F58** Words inserted by [London Government Act 1963 \(c. 33\)](#), [Sch. 11 Pt. I para. 40](#) and repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

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

**C39** S. 81 extended by [Local Government Act 1966 \(c. 42\)](#), [s. 28\(4\)](#)

**C40** S. 81 extended by [Highways Act 1980 \(c. 66, SIF 59\)](#), [s. 97\(4\)](#)

**C41** S. 81: functions of the Secretary of State for Transport may be exercised by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986, art. 2](#), [Sch. 3 para. 5](#)

S. 81: functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106, art. 2](#), [Sch. 3 para 5\(b\)](#)

**PART VII**

**SUPPLEMENTAL**

**82 Power to amend local Acts.**

- (1) The Minister may, subject to the provisions of this section, by order repeal or amend any provision—
  - (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, or
  - (b) in any order or other instrument made under an Act of Parliament before the passing of this Act,

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

where it appears to him that that provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act, other than the provisions of Part V.

- (2) Subject to subsection (3) of this section, the Minister shall not make an order under this section repealing or amending any provision in any local Act the Bill for which was promoted—
- (a) by a county council or local authority, or
  - (b) by any authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by a county council or local authority,
- except on the application of that county council or local authority.
- (3) Subsection (2) of this section shall not apply in relation to any order so far as the provisions of the local Act which it repeals or amends are repealed or amended as being inconsistent with, or as having become unnecessary in consequence of, the provisions of this Act relating to building regulations.
- (4) Before making an order under this section the Minister shall consult with any county council or local authority which appear to him to be concerned, not being an authority on whose application the order is made.
- (5) An order made under this section—
- (a) may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The provisions of this section shall be without prejudice to the powers conferred by section three hundred and thirteen of the <sup>M30</sup>Public Health Act 1936 (under which amendments may be made in certain local Acts), as applied to any of the provisions of this Act.

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

- C42** S. 82 extended by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 77, **Sch. 1 para. 5(b)** and by Building Act 1984 (c.55, SIF 15), s. 132, **Sch. 5 para. 3(b)**
- C43** S. 82(1)(2)(4)(5) extended by Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970 (c. 29), **s. 4** and Local Authorities (Goods and Services) Act 1970 (c. 39), **s. 2(3)**
- C44** S. 82(2) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 52**

**Marginal Citations**

- M30** 1936 c. 49.

**83 Saving for law relating to ancient monuments and for planning law.**

It is hereby declared that a local authority or other person may not under this Act do anything which is unlawful under the law relating to ancient monuments or to town and country planning.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

**84 Extension of certain references to Public Health Acts.**

- (1) . . . <sup>F59</sup>, paragraph (b) of subsection (4) of section eight of the <sup>M31</sup>Town Development Act 1952 (under which such provisions may be applied to an authority acting under that Act), and any other enactment conferring power to apply the provisions of the <sup>M32</sup>Public Health Act 1936, or the <sup>M33</sup>Public Health (Drainage of Trade Premises) Act 1937, relating to sewage shall have effect as if references to the said Acts of 1936 and 1937 or either of them included references to the provisions of this Act.
- (2) Any order made before the commencement of this Act under subsection (2) of section nine of the <sup>M34</sup>New Towns Act 1946, which applies all the provisions of the said Act of 1937 (or all those provisions except any which are repealed by this Act) without modification, shall have effect as if references to that Act included references to Part V of this Act, but nothing in this subsection shall affect any power to vary or revoke any such order.

**Textual Amendments**

**F59** Words repealed by [New Towns Act 1965 \(c. 59\)](#), **Sch. 12**

**Marginal Citations**

**M31** 1952 c. 54.

**M32** 1936 c. 49.

**M33** 1937 c. 40.

**M34** 1946 c. 68.

**85 Expenses.**

There shall be paid out of money provided by Parliament—

- (a) any increase in the sums so payable under any Act other than this Act which is attributable to the provisions of this Act, and
- (b) any expenses incurred by any Minister under this Act.

**86 Short title, commencement and repeals.**

- (1) This Act may be cited as the Public Health Act 1961.
- (2) Save as otherwise expressly provided, this Act shall come into force as follows—
  - (a) the provisions of Part II relating to building regulations shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and
  - (b) the other provisions of this Act shall come into force at the expiration of the period of two months beginning with the passing of this Act.
- (3) . . . . . <sup>F60</sup>

**Textual Amendments**

**F60** S. 86(3) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

---

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

**C45** 1.2.1966 appointed under s. 86(2)(a) by [S.I. 1965/1374](#)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

## SCHEDULES

### FIRST SCHEDULE

. . . F61

#### Textual Amendments

**F61** Sch. 1 repealed (with saving) by Building Act 1984 (c. 55, SIF 15), ss. 132, 133(2), Sch. 5 para. 2, **Sch. 7**

### SECOND SCHEDULE

. . . F62

#### Textual Amendments

**F62** Sch. 2 repealed by Water Act 1989 (c. 15, SIF 130), ss. 69, 190(3), Sch. 8 para. 4(1), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 41(1), 57(6), 58)

### THIRD SCHEDULE

Sections 43, 44 and 51.

#### CONSENTS REQUIRED FOR EXECUTION OF CERTAIN WORKS IN STREETS

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

**C46** Functions of Minister of Transport under Sch. 3 now exercisable (W.) by Secretary of State: **S.I. 1965/319**, art. 3(1), **Sch. 2 Pt. I**

- 1 In this Schedule “the authority” means the county council, local authority or parish council having power to carry out the works to which this Schedule applies.
- 2 The authority shall not carry out any works to which this Schedule applies in any such situation or position as is described in the first column of the following Table except with the consent of the person described in relation thereto in the second column of that Table.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

## TABLE

In any street which is a highway for which there is a highway authority other than the authority carrying out the works.	The highway authority.
In any street belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers.
On any bridge not vested in the authority carrying out the works or on the approaches to any such bridge.	The authority or other person in whom the bridge is vested.
On any bridge carrying a street over any railway, canal or inland navigation, or on the approaches to any such bridge, or under any bridge carrying a railway, canal or inland navigation over a street.	The railway, canal or inland navigation undertakers concerned.
Except in the case of works under section forty-four of this Act, in a position obstructing or interfering with any existing access to any land or premises abutting upon a street.	The owner (as defined by the <sup>M35</sup> Public Health Act 1936) and the occupier of the land or premises.

### Marginal Citations

**M35** 1936 c. 49.

3 Any consent required by this Schedule in respect of any works shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the authority shall remove the works either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

[<sup>F634</sup> Where the consent of the Secretary of State or the Minister of Transport is required under this Schedule, any dispute between the Minister whose consent is required and the authority as to whether the Minister's consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of anything to the provision of which the consent relates in accordance with any condition of the consent is reasonably required shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers]

### Textual Amendments

**F63** Sch. 3 para. 4 substituted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 133(2), **Sch. 7 para. 6(5)**

---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

---

## FOURTH SCHEDULE

Section 45.

## ATTACHMENT OF STREET LIGHTING EQUIPMENT TO CERTAIN BUILDINGS

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

**C47** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)

As regards buildings of the descriptions in the first column of the following Table the appropriate authority for the purposes of section forty-five of this Act shall be the person specified in the second column of that Table (and not a magistrates' court).

## TABLE

A building which is for the time being included in a list published under section 12 of the M36 Ancient Monuments Consolidation and Amendment Act 1913.	[ <sup>F64</sup> The Secretary of State]
[ <sup>F65</sup> A building which is included in a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.]	[ <sup>F65</sup> The Secretary of State.]
A building owned by railway, canal, dock, harbour or inland navigation undertakers.	The Minister of Transport.
A building owned by electricity or gas undertakers or the National Coal Board.	[ <sup>F66</sup> The Secretary of State.]
A building owned by statutory water undertakers.	[ <sup>F67</sup> The Secretary of State.]
A building forming part of an aerodrome licensed under the Civil Aviation Act 1949, or any enactment repealed by that Act.	[ <sup>F68</sup> The Board of Trade.]
A building owned by a county council, local authority or parish council or parish meeting who are not the street lighting authority concerned.	[ <sup>F67</sup> The Secretary of State.]
A building owned by a development corporation established under the M37 New Towns Act 1946, or the Commission for the New Towns established under the M38 New Towns Act 1959.	[ <sup>F67</sup> The Secretary of State.]
[ F69	[ <sup>F70</sup> The Secretary of State.]]
A building owned by the Post Office.	

---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961. (See end of Document for details)*

#### Textual Amendments

- F64** Words substituted by virtue of S.I. 1962/1549, (W.)1969/388, arts. 4(1), 5(3), (E.) 1970/1681, arts. 2(1), 6(3)
- F65** Entry substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1), s. 3, **Sch. 2 para. 10**
- F66** Words substituted by virtue of S.I. 1969/1498, **arts. 2(1), 5(6)** and 1970/1537, arts. 2(2), 7(4)
- F67** Words substituted by virtue of (W.) S.I. 1965/319, arts. 2(1), 10(1), **Sch. 1 Pt. 1**, (E.) 1970/1681, arts. 2(1), 6(3)
- F68** Words substituted by virtue of S.I. 1966/741, **arts. 2, 3(1)**
- F69** Item inserted by Post Office Act 1969 (c. 48), **Sch. 4 para. 70**
- F70** Words substituted by virtue of S.I. 1974/691, **arts. 2, 3(3)**

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

- C48** Entry in Sch. 4 amended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(3)**; S.I. 1996/218, **art. 2**

#### Marginal Citations

- M36** 1913 c. 32.
- M37** 1946 c. 68.
- M38** 1959 c. 62.

### F71F71 FIFTH SCHEDULE

#### Textual Amendments

- F71** Sch. 5 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

F71

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1961.