



Public Health Act 1936

1936 CHAPTER 49

PART II

SANITATION AND BUILDINGS.

Provisions with respect to buildings.

- 53 Special provisions as to buildings constructed of materials which are short-lived, or otherwise unsuitable for use in permanent buildings.**
- (1) Where plans of a building are, in accordance with building byelaws, deposited with a local authority, and the plans show that it is proposed to construct a building of materials to which this section applies, or to place or assemble on the site a building constructed of such materials, the authority may, notwithstanding that the plans conform with the byelaws—
- (i) reject the plans; or
 - (ii) in passing the plans fix a period on the expiration of which the building must be removed and impose with respect to the use of the building such reasonable conditions, if any, as having regard to the nature of the materials used in its construction they deem appropriate, so, however, that no condition shall be imposed which conflicts with any provision applicable to the building under a planning scheme.
- (2) If a building in respect of which plans ought under the building byelaws to have been deposited, but have not been deposited, appears to the authority to be constructed of such materials as aforesaid, the authority, without prejudice to their right to take proceedings in respect of any contravention of the byelaws, may fix a period on the expiration of which the building must be removed and, if they think fit, impose such conditions with respect to the use of the building as might have been imposed under the last preceding subsection upon the passing of plans for the building and, where they fix such a period, shall forthwith give notice thereof, and of any conditions imposed, to the owner of the building.

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- (3) A local authority may from time to time extend any period fixed, or vary any conditions imposed, under this section:

Provided that, unless an application in that behalf is made to them by the owner of the building in question, they shall not exercise their power of varying conditions except when granting an extension, or further extension, of the period fixed with respect to the building.

- (4) Any person aggrieved by the action of a local authority under this section in rejecting plans, or in fixing or refusing to extend any period, or in imposing or refusing to vary any conditions, may appeal to a court of summary jurisdiction.
- (5) The owner of any building in respect of which a period has been fixed under this section shall, on the expiration of that period or, as the case may be, of that period as extended, remove the building, and, if he fails to do so, the local authority shall remove it and may recover from him the expenses reasonably incurred by them in so doing, and, without prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day during which the building is allowed to remain after the conviction.
- (6) A person who uses a building in contravention of any condition imposed under this section, or who permits a building to be so used, shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.
- (7) A local authority may by their building byelaws provide that the provisions of this section shall apply to any materials specified in the byelaws as being materials which are, in the absence of special care, liable to rapid deterioration, or are otherwise unsuitable for use in the construction of permanent buildings.
- (8) The provisions of this section shall apply in relation to any extension of an existing building as they apply in relation to a new building.

54 Power to prohibit erection of buildings on ground filled up with offensive material.

- (1) Where plans for the erection or extension of a building are, in accordance with building byelaws, deposited with a local authority, and the site on which it is proposed to erect the building or the extension, as the case may be, is ground which has been filled up with any material impregnated with faecal or offensive animal or offensive vegetable matter, or is ground upon which any such material has been deposited, the authority shall reject the plans, unless they are satisfied that the material in question has been removed, or has become or been rendered innocuous.
- (2) Any question arising under this section between a local authority and the person by whom or on whose behalf plans are deposited as to whether the local authority ought to approve the erection of the building or of the extension, as the case may be, on the site in question may on the application of that person be determined by a court of summary jurisdiction.

55 Means of access to houses for removal of refuse, and &c.

- (1) Where plans for the erection or extension of a house are, in accordance with building byelaws, deposited with a local authority, the local authority shall reject the plans,

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unless it is shown to them that satisfactory means of access from the house to a street for the purpose of the removal of refuse and faecal matter can, and will, be provided:

Provided that this subsection shall not apply in relation to houses erected in accordance with plans and specifications approved by the Minister in connection with housing operations to which section ninety-nine of the Housing Act, 1925, applies.

Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a court of summary jurisdiction.

- (2) It shall be unlawful for any person except with the consent of the local authority to close or obstruct the means of access by which refuse or faecal matter is removed from any house, and the local authority in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.

Any person who contravenes the provisions of this subsection shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

- (3) Any byelaws made by a local authority, whether under section twenty-three of the Public Health Acts Amendment Act, 1890, or under a local Act, with respect to the provision of means of access for the removal of house refuse shall cease to have effect, and so much of any local Act as authorises the making of such byelaws is hereby repealed.

56 Yards and passages to be paved and drained.

- (1) If any court or yard appurtenant to, or any passage giving access to, a house is not so formed, flagged, asphalted, or paved, or is not provided with such works on, above, or below its surface, as to allow of the satisfactory drainage of its surface or subsoil to a proper outfall, the local authority may by notice require the owner of the house to execute all such works as may be necessary to remedy the defect.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

- (2) The foregoing provisions of this section shall apply in relation to any court, yard or passage which is used in common by the occupiers of two or more houses, but is not a highway repairable by the inhabitants at large.
- (3) Any byelaws made by a local authority, whether under section twenty-three of the Public Health Acts Amendment Act, 1890, or under a local Act, with respect to the paving of yards and open spaces in connection with houses shall cease to have effect, and so much of any local Act as authorises the making of such byelaws is hereby repealed.

57 Entrances to certain courts not to be closed or narrowed.

- (1) Except with the consent of the local authority, no entrance to any court or yard on which two or more houses front or abut shall be closed, narrowed, reduced in height or

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otherwise altered so as to impede the free circulation of air through the entrance, nor, except with such consent, shall any permanent structure be erected so as to impede the free circulation of air through any entrance to any such court or yard.

- (2) A local authority in giving a consent under this section may impose such conditions as they think fit with respect to the provision of other openings or means of access, or other means for securing free circulation of air throughout the court or yard.
- (3) Any person aggrieved by the refusal of a local authority to give a consent under this section, or by any conditions imposed by them, may appeal to a court of summary jurisdiction.
- (4) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

58 Dangerous or dilapidated buildings and structures.

- (1) If it appears to a local authority that any building or structure, or part of a building or structure—
 - (a) is in such a condition or is used to carry such loads, as to be dangerous to persons in the building or any adjoining building, or on the premises on which the building or structure stands or any adjoining premises; or
 - (b) is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood,
 the authority may apply to a court of summary jurisdiction, and the court may—
 - (i) in the first mentioned case—
 - (a) where danger arises from the condition of the building or structure, make an order requiring the owner thereof to execute such work as may be necessary to obviate the danger or, if he so elects, to demolish the building or structure, or any dangerous part thereof, and remove any rubbish resulting from the demolition;
 - (b) where danger arises from overloading of the building or structure, make an order restricting the use thereof until a court of summary jurisdiction, being satisfied that any necessary works have been executed, withdraws or modifies the restriction;
 - (ii) in the second mentioned case, make an order requiring the owner of the building or structure to execute such works of repair or restoration or, if he so elects, to take such steps by demolishing the building or structure or any part thereof and removing any rubbish resulting from the demolition, as may be necessary for remedying the cause of complaint.
- (2) If the person on whom an order is made under subsection (1) of this section for the execution of works, or the demolition of a building or structure or of any part of a building or structure, and the removal of any rubbish resulting from the demolition, fails to comply with the order within the time therein specified, the local authority may execute the order in such manner as they think fit and may recover the expenses reasonably incurred by them in so doing from the person in default, and without prejudice to the right of the authority to exercise those powers, he shall be liable to a fine not exceeding ten pounds.
- (3) If a local authority are satisfied that any building or structure, or part of a building or structure, is in such a condition, or is used to carry such loads, as to be dangerous

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to persons in the building or any adjoining building, or on the premises on which the building or structure stands or any adjoining premises, and that immediate action should be taken for the protection of those persons or any of them, the authority may shore up or fence off the building or structure, and may recover from the owner thereof the expenses of any action reasonably taken by them under this subsection.

59 Exits, entrances, and &c, in the case of certain public, and other, buildings.

- (1) Where plans of a building or of an extension of a building are, in accordance with building byelaws, deposited with a local authority, and the building or, as the case may be, the building as extended will be a building to which this section applies, the authority shall reject the plans unless they show that the building, or, as the case may be, the building as extended, will be provided with such means of ingress and egress and passages or gangways as the authority deem satisfactory, regard being had by them to the purposes for which the building is intended to be, or is, used and the number of persons likely to resort thereto at any one time :

Provided that any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the means of ingress or egress or passages or gangways already existing, or proposed to be provided, ought to be accepted by the authority as satisfactory may on the application of that person be determined by a court of summary jurisdiction.

- (2) If it appears to a local authority that any building to which this section applies is not provided with such means of ingress and egress and passages or gangways as the authority deem satisfactory, regard being had by them to the purposes for which the building is used and the number of persons likely to resort thereto at any one time, the authority shall by notice require the owner of the building to execute such work and make such provision in regard to the matters aforesaid as may be necessary.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

- (3) If the authority are satisfied that the safety of the public requires that immediate action should be taken in the case of any building as respects which they have given a notice under the last preceding subsection, they may apply to a court of summary jurisdiction and the court may make such temporary order as it thinks fit for the closing of the building to, or for restricting its use by, the public.
- (4) The person having the control of any building to which this section applies shall take steps to secure that the means of ingress and egress and the passages and gangways shall, while persons are assembled in the building, be kept free and unobstructed, except in so far as the local authority may otherwise approve, and, if he fails to do so, shall be liable to a fine not exceeding twenty pounds.
- (5) This section applies to—
- (a) any theatre, and any hall or other building which is used as a place of public resort;
 - (b) any restaurant, shop, store or warehouse to which members of the public are admitted and in which more than twenty persons are employed;
 - (c) any club required to be registered under the provisions of the Licensing (Consolidation) Act, 1910;
 - (d) any school not exempted from the operation of building byelaws; and

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- (e) subject as hereinafter provided, any church, chapel or other place of public worship :

Provided that this section does not apply to a private house to which members of the public are admitted occasionally or exceptionally, or to a building which was used as a church, chapel or other place of public worship immediately before the date when section thirty-six of the Public Health Acts Amendment Act, 1890, or a corresponding provision in a local Act, came into operation in the district or contributory place, or which in a district or contributory place where neither that section, nor any such corresponding provision, ever came into operation was so used immediately before the commencement of this Act.

60 Means of escape from fire in the case of certain high buildings.

- (1) If it appears to a local authority that any building or proposed building which is, or will be, a building to which this section applies is not, or will not be, provided with such means of escape in case of fire as the local authority deem necessary from each storey of which the floor is more than twenty feet above the surface of the street or ground on any side of the building, the authority shall by notice require the owner of the building, or, as the case may be, the person proposing to erect the building, to execute such work or make such other provision in regard to the matters aforesaid as may be necessary.
- (2) In so far notice under the preceding subsection requires a person to execute works, the provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to that notice.
- (3) In so far as such a notice requires a person to make provision otherwise than by the execution of works, he shall, if he fails to comply with the notice, be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction, therefor:

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements.

- (4) This section applies to any building which exceeds two storeys in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—
 - (a) is let in flats or tenement dwellings; or
 - (b) is used as an inn, hotel, boarding house, hospital, nursing home, boarding school, children's home or similar institution; or
 - (c) is used as a restaurant, shop, store or warehouse and has on any upper floor sleeping accommodation for persons employed on the premises.