



Public Health Act 1936

1936 CHAPTER 49

PART II

SANITATION AND BUILDINGS.

Sewerage and sewage disposal.

25 Buildings not to be erected without consent over sewer or drain shown on deposited map.

- (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 it is proposed to erect the building or extension, as the case may be, over any sewer or drain which is shown on the map of sewers required by this Part of this Act to be kept deposited at the offices of the authority, the authority shall reject the plans, unless they are satisfied that in the circumstances of the particular case they may properly consent to the erection of the proposed building or extension, either unconditionally or subject to compliance with any requirements specified in their consent.
- (2) Any question arising under the preceding subsection between a local authority and the person by whom or on whose behalf plans are deposited as to whether the site on which it is proposed to erect a building or an extension of a building is over any such sewer or drain as aforesaid, or whether, and if so upon what conditions, a consent ought to be given by the local authority, may on the application of that person be determined by a court of summary jurisdiction.
- (3) If before the commencement of this Act a building has been erected over a sewer without such consent, if any, as under section twenty-six of the Public Health Act, 1875, was required at the date of the erection of the building, the local authority may by notice require the owner of the building to pull it down or to alter it in such manner 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.