Public Health Act 1936

1936 CHAPTER 49

PART XI

MISCELLANEOUS.

Watercourses, ditches, ponds, &c.

263 Watercourses in urban district not to be culverted except in accordance with approved plans.

(1) It shall not be lawful within a borough or urban district, or a rural district or contributory place in which section fifty-two of the Public Health Act, 1925, was in force immediately before the commencement of this Act, to culvert or cover any stream or watercourse except in accordance with plans and sections to be submitted to and approved by the local authority, but such approval shall not be withheld unreasonably and, if the authority, within six weeks after plans and sections have been submitted to them, fail to notify their determination to the person by whom the plans and sections were submitted, they shall be deemed to have approved them.

(2) Any question arising under this section between a local authority and an owner as to the reasonableness of any works which the authority require to be executed as a condition of their approval, or as to the reasonableness of their refusal to give approval, may, on the application of either party, be determined by a court of summary jurisdiction.

(3) A local authority shall not, as a condition of approving plans or sections under this section, require an owner to receive upon his land, or to make provision for the passage of, a greater quantity of water than he is otherwise obliged to receive or to permit to pass, and, if the owner at the request of the authority makes provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section, any additional cost reasonably incurred by him in complying with the request of the authority shall be borne by them.

(4) Any person who contravenes 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.