



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART II

SANITATION AND BUILDINGS

Supplemental provisions as to drains, sanitary conveniences, cesspools, &c.

48 Power of local authority to examine and test drains, &c., believed to be defective.

(1) Where it appears to a [^{F1}local] authority that there are reasonable grounds for believing that a sanitary convenience, drain, private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance, or that a drain or private sewer communicating . . . indirectly with a public sewer is so defective as to admit subsoil water, they may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and, if they deem it necessary, open the ground.

(1A)

(2) If on examination the convenience, drain, sewer or cesspool is found to be in proper condition, the authority shall, as soon as possible, reinstate any ground which has been opened by them and make good any damage done by them.

Textual Amendments

F1 Word in s. 48(1) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\), ss. 2, 4\(2\), Sch. 1 para. 2\(1\)](#) (by virtue of which provision s. 48 ceased to have effect (1.12.1991) in relation to a drain or private sewer connecting with a public sewer).

Modifications etc. (not altering text)

- C1** S. 48 amended by [Radioactive Substances Act 1960 \(c. 34\), s. 9, Sch. 1 Pt. I para. 3](#)
S. 48 amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\), Sch. 3 Pt. I para.1](#)
- C2** S. 48 modified (7.8.1991) by [S.I. 1991/1773, art. 8, Sch.2.](#)
- C3** S. 48 repealed (in relation to a drain or private sewer connecting with a public sewer) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\), ss. 2, 4\(2\), Sch. 1 para. 2\(1\)](#).

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 48. (See end of Document for details)

- C4** s. 48 modified (10.1.1992) by S.I. 1991/2913, art 8, **Sch.2**.
- C5** S. 48 modified (E.) (6.4.2010) by The Southampton Port Health Authority Order 2010 (S.I. 2010/1218), arts. 1(1), 4, **Sch.**
- C6** S. 48 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C7** S. 48 modified (E.) (6.4.2010) by The Cornwall Port Health Authority Order 2010 (S.I. 2010/1215), arts. 1(1), 4, **Sch.** (with art. 2)
- C8** S. 48 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C9** S. 48 modified (E.) (6.4.2010) by The Bristol Port Health Authority Order 2010 (S.I. 2010/1214), arts. 1, 4, **Sch.**
- C10** S. 48 modified (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 9, **Sch. 2**
- C11** S. 48 modified by SI 2010/675 Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), reg. 1(b), **Sch. 1**)
- C12** S. 48 functions transferred and modified (E.) (14.6.2016) by The River Tees Port Health Authority Order 2016 (S.I. 2016/644), arts. 1(1), 9, **Sch. 2**
- C13** S. 48 modified (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), Sch. 23 paras. 1(3), 2 Table 9 (with regs. 1(3), 77-79, Sch. 4)
- C14** S. 48 functions transferred and modified (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Section 48.