



# Prevention of Damage by Pests Act 1949

## 1949 CHAPTER 55

### PART I

#### RATS AND MICE

#### **1 Local authorities for the purposes of Part I**

- (1) The local authorities for the purposes of this Part of this Act in England and Wales shall be the Common Council of the City of London and the councils of metropolitan boroughs, county boroughs and county districts:

Provided that—

- (a) the local authority for any port health district, whether constituted before or after the commencement of this Act, shall be the port health authority; and
  - (b) in relation to sewers vested in the council of any county, the functions of the local authority under this Part of this Act shall be exercisable by that council and not by any other authority.
- (2) The local authorities for the purposes of this Part of this Act in Scotland shall be the local authorities within the meaning of the Public Health. (Scotland) Act, 1945, and port local authorities within the meaning of section one hundred and seventy-two of the Public Health (Scotland) Act, 1807.
- (3) Section six of the Public Health Act, 1936 (which provides for the constitution of united districts for any of the purposes of that Act) shall have effect as if the purposes of this Part of this Act were purposes of that Act.

#### **2 Duties of local authorities**

- (1) It shall be the duty of every local authority to take such steps as may be necessary to secure so far as practicable that their district is kept free from rats and mice, and in particular—
- (a) from time to time to carry out such inspections as may be necessary for the purpose aforesaid ;

- (b) to destroy rats and mice on land of which they are the occupier and otherwise to keep such land so far as practicable free from rats and mice ;
  - (c) to enforce the duties of owners and occupiers of land under the following provisions of this Part of this Act, and to carry out such operations as are authorised by those provisions.
- (2) Every local authority shall keep such records and make such reports relating to their functions under this Part of this Act as may be required by any directions given by the Minister thereunder.

### **3 Obligation of occupiers of land to notify local authority of rats and mice**

- (1) Subject to the provisions of this section, the occupier of any land shall give to the local authority forthwith notice in writing if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers.
- (2) The foregoing subsection shall not apply to agricultural land, and the Minister may make regulations providing that that subsection shall not apply to such other land as may be prescribed by or under the regulations, or shall apply thereto subject to such modifications as may be so prescribed.
- (3) A person shall not be required to give notice under this section to the local authority of any matters of which notice is given to the Minister in pursuance of Part II of this Act.
- (4) Any person who fails to give a notice which he is required to give under this section shall be liable on summary conviction to a fine not exceeding five pounds.

### **4 Power of local authority to require action**

- (1) If in the case of any land it appears to the local authority, whether in consequence of a notice given in respect of the land under the last foregoing section or otherwise, that steps should be taken for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice, they may serve on the owner or occupier of the land a notice requiring him to take, within such reasonable period as may be specified in the notice, such reasonable steps for the purpose aforesaid as may be so specified ; and where the owner of any land is not also the occupier thereof separate notices may be served under this section on the owner and on the occupier.
- (2) Any such notice may in particular require—
- (a) the application to the land of any form of treatment specified in the notice;
  - (b) the carrying out on the land of any structural repairs or other works so specified,
- and may prescribe the times at which any treatment required by the notice is to be carried out.
- (3) Where the local authority serve a notice under this section in relation to agricultural land, they shall forthwith inform the County Agricultural Executive Committee for the county in which the land is situated. .
- (4) If on a complaint made by the owner of any land it appears to a court of summary jurisdiction that the occupier of the land prevents the owner from carrying out any work which he is required to carry out by a notice under this section, the court may order the occupier to permit the carrying out of the work.

- (5) Subsections (3) to (5) of section two hundred and ninety of the Public Health Act, 1936 (which provide for an appeal to a court of summary jurisdiction against certain notices requiring the execution of works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as they apply to any such notice as is mentioned in subsection (1) of that section ; and sections three hundred to three hundred and two of that Act (which contain supplementary provisions relating to such appeals) shall have effect accordingly.
- (6) In the application of this section to Scotland—
- (a) for the reference to the County Agricultural Executive Committee for the county in which the land is situated there shall be substituted a reference to the Agricultural Executive Committee for the area in which the land is situated;
  - (b) for references to a complaint and to a court of summary jurisdiction there shall be substituted references to an application and to the sheriff;
  - (c) for subsection (5) there shall be substituted the following subsection—  

“(5) Section twenty of the Housing (Scotland) Act, 1930 (which provides for an appeal to the sheriff against certain notices requiring the execution of works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as it applies to any such notice as is mentioned in paragraph (a) of subsection (1) of that section.”

## **5 Remedies for failure to comply with notice under s. 4**

- (1) Subject to the provisions of the last foregoing section with respect to appeals, if any person on whom a notice is served by the local authority under that section fails to take any steps required by the notice at the time or within the period prescribed by the notice, the local authority may themselves take those steps and recover from him any expenses reasonably incurred by them in doing so.
- (2) Without prejudice to the provisions of subsection (1) of this section, but subject to the provisions of the last foregoing section with respect to appeals, a person who fails to take any steps as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding in the case of a first offence fifty pounds, and in the case of a second or any subsequent offence one hundred pounds.

## **6 Additional powers of local authorities in relation to groups of premises**

- (1) If it appears to the local authority that rats or mice are found in substantial numbers on any land comprising premises in the occupation of different persons and that it is expedient to deal with the land as one unit for the purpose of destroying rats or mice or keeping the land so far as practicable free from rats and mice, they may, without serving notices under section four of this Act on the occupiers or owners of those premises, themselves take in relation to the land such steps as they consider, necessary or expedient for the purpose aforesaid :

Provided that the steps taken by the local authority under this section shall not include the carrying out of any structural work.

- (2) Without prejudice to the provisions of section twenty-two of this Act requiring notice to be given before entry upon land under that section, a local authority shall, before taking any steps under this section in relation to any premises, give to the occupier

at least seven days' notice of their intention to do so, specifying the steps proposed to be taken.

- (3) Any expenses reasonably incurred by a local authority in taking steps under this section in relation to any land may be recovered by that authority from the several occupiers of the premises comprised in that land in such proportion as may be just having regard to the cost of the work done on the several premises.
- (4) For the purposes of this section, any premises which are unoccupied shall be deemed to be in the occupation of the owner, and references in this section to the occupier shall be construed accordingly.

## **7 Recovery of expenses under s. 5 or s. 6**

- (1) Any expenses recoverable by a local authority under section five or section six of this Act may be recovered as a simple contract debt in any court of competent jurisdiction.
- (2) Sections two hundred and ninety-one, two hundred and ninety-two and two hundred and ninety-four of the Public Health Act, 1936 (which provide respectively for charging on the premises expenses recoverable under that Act from the owner, for the inclusion of sums in respect of establishment charges in expenses recoverable under that Act, and for limiting the liability for expenses recoverable under that Act of owners receiving rent as agent or trustee) shall so far as applicable apply to expenses recoverable by a local authority under section five or section six of this Act as they apply to expenses recoverable under that Act by a local authority within the meaning of that Act.
- (3) In proceedings under this section by a local authority for the recovery of any expenses incurred by them under section five of this Act, it shall not be open to the defendant to raise by way of defence any question which he could have raised on an appeal under section four of this Act.
- (4) In the application of this section to Scotland, for subsection (2) there shall be substituted the following subsection—

“(2) Sections fifty-five, fifty-six and fifty-seven of the Water (Scotland) Act, 1946 (which provide respectively for charging orders in favour of local authorities in respect of expenses recoverable under that Act, for the recovery by instalments of expenses recoverable under that Act, and for limiting the liability for expenses recoverable under that Act of owners receiving rent in a fiduciary capacity) shall, so far as applicable, apply to expenses recoverable by a local authority under section five or section six of this Act as they apply to expenses recoverable under that Act by a local authority within the meaning of that Act.”

## **8 Provisions as to threshing and dismantling of ricks**

- (1) The Minister may make regulations for securing that such steps will be taken in connection with the threshing or dismantling of any rick of corn or other crops specified in the regulations as to ensure the destruction of rats or mice escaping from the rick.
- (2) Regulations under this section may impose such requirements on the owner of any such rick, and on any person engaged in or concerned with the threshing or dismantling, as may appear to the Minister necessary for the purpose aforesaid; and

any person who fails to comply with any of those requirements shall be liable on summary conviction to a fine not exceeding fifty pounds or such less amount, if any, as may be prescribed by the regulations.

- (3) In the application of this section to Scotland, for references to a rick there shall be substituted a reference to a stack.

## **9 Power of local authority to require information as to interests in land**

- (1) A local authority may, for the purpose of enabling them to perform any of their functions under this Part of this Act, require the occupier of any land, and any person who directly or indirectly receives rent in respect of any land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, -whether as freeholder, lessee, mortgagee or otherwise.
- (2) Any person who, having been required by a local authority under this section to give them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.
- (3) In the application of this section to Scotland for the words from " freeholder " to the end of subsection (1) there shall be substituted " superior, owner, heritable creditor, lessee or otherwise " ; and the expression " heritable creditor " shall have the like meaning as in the Town and Country Planning (Scotland) Act, 1947,

## **10 Authentication of documents, service of notices, etc.**

- (1) Sections two hundred and eighty-four to two hundred and eighty-six of the Public Health Act, 1936 (which relate to the authentication of documents, the service of notices and the proof of proceedings of local authorities) shall apply to documents, notices and proceedings of local authorities in England and Wales under this Part of this Act (whether or not they are local authorities within the meaning of that Act) as they apply to documents, notices and proceedings of local authorities under that Act.
- (2) Sections three hundred and forty-seven, three hundred and forty-nine and three hundred and fifty of the Local Government (Scotland) Act, 1947 (which relate to the authentication of documents, the service of notices and evidence of proceedings of local authorities) shall apply to documents, notices and proceedings of a local authority in Scotland under this Part of this Act (whether or not being a local authority within the meaning of that Act) as they apply to documents, notices and proceedings of a local authority under that Act.

## **11 Exchequer grants to local authorities**

The Minister may make to local authorities, subject to such conditions as he may with the consent of the Treasury determine, grants equal to one half of the expenditure incurred by those authorities in the performance of their functions under this Part of this Act, so far as not recovered thereunder.

## 12 Powers of Minister with respect to functions of local authorities

- (1) The functions of a local authority under this Part of this Act shall be exercised in accordance with any general or specific directions of the Minister, which may be given either to local authorities generally or to any particular local authority or class of local authorities :

Provided that the validity of anything done by a local authority in pursuance of this Act shall not be called in question on the ground that it was done otherwise than in accordance with any such directions as aforesaid.

- (2) Where the Minister is satisfied, on complaint or otherwise, that any of the functions of a local authority under this Part of this Act are not being satisfactorily performed by the authority, he may by order empower any person named in the order to exercise those functions on behalf of the authority.
- (3) Before making an order under this section, the Minister shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.
- (4) Any expenses incurred under this section by a person named in an order made by the Minister thereunder shall on demand be paid to the Minister by the local authority.
- (5) An order under this section may be varied or revoked by a subsequent order.
- (6) In the application of this section to Scotland, for subsection (3) there shall be substituted the following subsection :—

“(3) Before making an order under this section, the Secretary of State shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall apply to any such inquiry.”