



Public Health Act 1875

1875 CHAPTER 55

PART III

SANITARY PROVISIONS.

SCAVENGING AND CLEANSING.

Regulations as to Streets and Houses.

42 Local authority to provide for cleansing of streets and removal of refuse.

Every local authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises ;

The cleansing of earth closets privies ashpits and cesspools ; either for the whole or any part of their district: Moreover every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

All matters collected by the local authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act ; and any profits thus made by a rural authority in respect of any contributory place shall be carried, to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the local authority or contractor in removing any matters by this section authorised to be removed by the local authority, he shall for each offence be liable to a penalty not exceeding five pounds : Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

matters which are produced on his own premises and are intended to be removed for sale or for his own use, and .are in the meantime kept so as not to be a nuisance.

43 Penalty on neglect of local authority to remove refuse, &c.

If a local authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets privies ashpits and cesspools fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house refuse or to cleanse any earthcloset privy ashpit or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the local authority, shall he liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period.

44 Power of local authority to make byelaws imposing duty of cleansing, &c. on occupier.

Where the local authority do not themselves undertake or contract for—

The cleansing of footways and pavements adjoining any premises,

The removal of house refuse from any premises,

The cleansing of earthclosets privies ashpits and cesspools belonging to any premises,

they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

An urban authority may also make byelaws for the prevention of nuisances arising from snow filth dust ashes and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.

45 Power to provide receptacles for deposit of rubbish.

Any urban authority may, if they see fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust ashes and rubbish ; they may also provide fit buildings and places for the deposit of any matters collected by them in pursuance of this part of this Act.

46 Houses to be purified, on certificate of officer of health, or of two medical practitioners.

Where, on the certificate of the medical officer of health or of any two medical practitioners, it appears to any local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing cleansing or purifying of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash cleanse or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default ; and the local authority may, if they think fit, cause such house or part thereof to be whitewashed cleansed or purified, and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

may recover in a summary manner the expenses incurred by them in so doing from the person in default.

47 Penalty in respect of certain nuisances on premises.

Any person who in any urban district—

- (1) Keeps any swine or pigstye in any dwelling-house, or so as to be a nuisance to any person ; or
- (2) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the urban authority to remove the same ; or
- (3) Allows the contents of any watercloset privy or cesspool to overflow or soak therefrom,

shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which the offence is continued, and the urban authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance exists.

Offensive Ditches and Collections of Matter.

48 Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts.

Where any watercourse or open ditch lying near to or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such local authority, any justice having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary ; and such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

49 Removal of filth on certificate of inspector of nuisances.

Where in any urban district it appears to the inspector of nuisances that any accumulation of manure dung soil or filth or other offensive or noxious matter ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier -of the premises whereon it exists, to remove the same ; and if such notice is not complied with within twenty-four hours from the service thereof, the manure dung soil or filth or matter referred to shall be vested in and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section ; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs, or from the occupier of the premises, or (where there is no occupier) from the owner.

50 Periodical removal of manure from mews and other premises.

Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews stables or other premises ; and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate.