



# Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

## PART X

### MISCELLANEOUS AND TEMPORARY PROVISIONS

#### *Miscellaneous*

#### **<sup>F1</sup>305 Entry on lands for purposes of Act.**

Whenever it becomes necessary for a local authority or any of their officers to enter examine or lay open any lands or premises for the purpose of making plans surveying measuring taking levels making keeping in repair or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them, the local authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the local authority to enter examine and lay open the said lands and premises for the purposes aforesaid or any of them.

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being made the local authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter examine or lay open the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

#### **Textual Amendments**

- F1** [S. 305](#) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875, Cross Heading: Miscellaneous. (See end of Document for details)*

### **<sup>F2</sup>306 Penalty on obstructing execution of Act.**

Any person who wilfully obstructs any member of the local authority, or any person duly employed in the execution of this Act, . . . <sup>F3</sup> shall, . . . <sup>F3</sup> be liable for every such offence to a penalty not exceeding [<sup>F4</sup>level 1 on the standard scale].

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding [<sup>F4</sup>level 1 on the standard scale].

#### **Textual Amendments**

- F2** S. 306 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith
- F3** Words repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)
- F4** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

### **307 . . . . . <sup>F5</sup>**

#### **Textual Amendments**

- F5** S. 307 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

### **<sup>F6</sup>308 Compensation in case of damage by local authority.**

Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the local authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration <sup>F7</sup>. . . , or if the compensation claimed does not exceed the sum of twenty pounds, the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

#### **Textual Amendments**

- F6** S. 308 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith.
- F7** Words in s. 308 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X](#) Group1.

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875, Cross Heading: Miscellaneous. (See end of Document for details)*

**309** ..... **F8**

#### Textual Amendments

**F8** [S. 309](#) repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

**310,** ..... **F9**  
**311.**

#### Textual Amendments

**F9** [Ss. 310, 311](#) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

**312** ..... **F10**

#### Textual Amendments

**F10** [S. 312](#) repealed by [Local Government Act 1894 \(56 & 57 Vict. c. 73\)](#), [Sch. 2](#)

**313** ..... **F11**

#### Textual Amendments

**F11** [Ss. 313, 317](#), [Sch. 4](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

**314,** ..... **F12**  
**315.**

#### Textual Amendments

**F12** [Ss. 314, 315](#) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

<sup>F13</sup>**316 As to construction of incorporated Acts.**

In the construction of the provisions of any Act incorporated with this Act the term “the special Act includes this Act, and, in the case of the <sup>M1</sup>Lands Clauses Consolidation Acts 1845, <sup>M2</sup>1860, and <sup>M3</sup>1869, any order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term “the limits of the special Act means the limits of the district; and the urban or rural authority shall be deemed to be “the promoters of the undertaking, “the commissioners, or “the undertakers, as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act.

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875, Cross Heading: Miscellaneous. (See end of Document for details)*

#### Textual Amendments

**F13** S. 316 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

#### Marginal Citations

**M1** 1845 c. 16.

**M2** 1860 c. 106.

**M3** 1869 c. 116.

**317** ..... **F14**

#### Textual Amendments

**F14** Ss. 313, 317, **Sch. 4** repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

**318** ..... **F15**

#### Textual Amendments

**F15** S. 318 repealed by Statute Law Revision Act 1883 (c. 39)

**319,** ..... **F16**  
**320.**

#### Textual Amendments

**F16** Ss. 319, 320 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I**

**321** ..... **F17**

#### Textual Amendments

**F17** S. 321 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. I**

**322** ..... **F18**

#### Textual Amendments

**F18** S. 322 repealed by Statute Law Revision Act 1898 (c. 22)

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**Changes to legislation:** There are currently no known outstanding effects for the Public Health Act 1875, Cross Heading: Miscellaneous. (See end of Document for details)

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**323** ..... **F19**

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**Textual Amendments**

**F19** [S. 323](#) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

**324,** ..... **F20**  
**325.**

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**Textual Amendments**

**F20** [Ss. 324, 325](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1875, Cross Heading: Miscellaneous.