



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART IX

#### LEGAL PROCEEDINGS.

##### *Enforcement of and Procedure under Act.*

#### **146 Procedure if local authority neglect its duty under Act Procedure under 18 & 19 Vict. c.68.**

- (1) If any nuisance shall exist upon or in premises possessed or managed by the local authority, or in which the local authority have any interest, or if the local authority shall fail or neglect to perform any duty imposed upon them by this Act, or to take all due proceedings in this Act authorised for the removal of nuisances or preservation of health, or due regulation of lodging-houses, or for any other of the purposes of this Act, it shall be competent for any ten ratepayers residing within the district, or for a parish council, or for the procurator fiscal of the sheriff court of the county, or for the Board, to give written notice to such local authority of the matters in which such neglect exists; and if the local authority do not within fourteen days after such notice, or, in the case of neglect to enforce any regulation or direction of the Board under Part IV. of this Act, within two days after such notice, remove or remedy the nuisance referred to, or in any other case neglect to take the steps authorised or required by or under this Act, it shall be competent for the parties aforesaid, or any one of them, to apply to the sheriff by summary petition, and the sheriff shall thereupon inquire into the same, and may make such decree as shall in his judgment be required to enforce the removal or remedy of the nuisance, or otherwise to compel execution of or carry out the provisions and purposes of this Act, and may appoint the same to be carried into effect by and at the sight of such persons as he may think fit, and at the expense of the local authority, or of other parties on whom the expense ought in his opinion to be laid, and for payment of the expenses of such application by" the petitioners or by the local authority or other party, as justice may require: Provided always, that in regard to any nuisance for the removal of which drainage works are necessary, the sheriff may suspend consideration of the complaint for such time as may seem proper, in order to

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*Status: This is the original version (as it was originally enacted).*

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enable a general system of drainage under any general or local Act or otherwise to be carried out, the better to remove such nuisances.

- (2) It shall be competent for the Board, or for any local authority, or for any parish council, to present a petition to the sheriff, under the fourth section of the Burial Grounds (Scotland) Act, 1855, to the same effect, and to be followed out in like manner, as if presented by any of the persons or parties therein mentioned.