



# Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

## PART IV

### LOCAL GOVERNMENT PROVISIONS

#### HIGHWAYS AND STREETS

144 .....<sup>F1</sup>

#### Textual Amendments

F1 S. 144 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

145 .....<sup>F2</sup>

#### Textual Amendments

F2 S. 145 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

146, .....<sup>F3</sup>  
147.

#### Textual Amendments

F3 Ss. 146, 147 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

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

148 ..... F4

**Textual Amendments**

- F4** S. 148 repealed with saving for any agreements in force under that section by [Control of Pollution Act 1974 \(c. 40\)](#), **Sch. 4**

*Regulation of Streets and Buildings*

149— ..... F5  
 152.

**Textual Amendments**

- F5** Ss. 149–152, 154, 155 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

**153 Power to require gas and water pipes to be moved.**

Where for any purpose of this Act any urban authority deem it necessary to raise sink or otherwise alter the situation of any water or gas pipes mains plugs or other waterworks or gasworks laid in or under any street, they may by notice in writing require the owner of the pipes mains plugs or works to raise sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice; the expenses of or connected with any such alteration shall be paid by the urban authority; and if such notice is not complied with the urban authority may themselves make the alteration required:

Provided—

That no such alteration shall be required or made which will permanently injure any such pipes mains plugs or works or prevent the water or gas from flowing as freely and conveniently as usual; and

That where under any local Act of Parliament the expenses of or connected with the raising sinking or otherwise altering the situation of any water or gas pipes mains plugs or other waterworks or gasworks, are directed to be borne by the owner of such pipes or works, his liability in that respect shall continue in the same manner and under the same conditions in all respects as if this Act had not been passed.

**Modifications etc. (not altering text)**

- C1** S. 153 excluded by [Public Utilities Street Works Act 1950 \(c. 39\)](#), s. 24, **Sch. 5**; amended by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 Pt. 11 para. 29**
- C2** S. 153: functions of the Secretary of State for Transport made exercisable by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986, art. 2](#), **Sch. 3 para. 1**
- S. 153: functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106, art. 2](#), **Sch. 3 para. 1**

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- C3** S. 153 applied (1.11.2007) by Flood Defence (Mimms Hall Brook Works) Order 2007 (S.I. 2007/2980), arts. 1, **5(3)**
- C4** S. 153 certain functions made exercisable (24.3.2009) by The Contracting Out (Highway Functions) Order 2009 (S.I. 2009/721), arts. 1, 3, **Sch. 3 paras. 1**
- C5** S. 153 functions made exercisable as specified (E.) (1.4.2015) by The Delegation of Functions (Strategic Highways Companies) (England) Regulations 2015 (S.I. 2015/378), regs. 1(1), 3, **Sch. 3 paras. 1**

**154,** ..... <sup>F6</sup>  
**155.**

**Textual Amendments**

**F6** Ss. 149–152, 154, 155 repealed by Highways Act 1959 (c. 25), **Sch. 25**

**156** ..... <sup>F7</sup>

**Textual Amendments**

**F7** S. 156 repealed by Public Health (Buildings in Streets) Act 1888 (c. 52), **s. 3**

**157,** ..... <sup>F8</sup>  
**158.**

**Textual Amendments**

**F8** Ss. 157, 158 repealed by Highways Act 1959 (c. 25), **Sch. 25**

**159** ..... <sup>F9</sup>

**Textual Amendments**

**F9** S. 159 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I**

**160 Incorporation of certain provisions of 10 & 11 Vict. c. 34.**

The provisions of the <sup>M1</sup>Towns Improvement Clauses Act 1847, with respect to the following matters, that is to say,

<sup>F10</sup>(1) With respect to naming the streets and numbering the houses; and

(2) . . . <sup>F11</sup>

shall, for the purpose of regulating such matters in [<sup>F12</sup>districts,] be incorporated with this Act.

. . . <sup>F13</sup>

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

**Textual Amendments**

- F10** S. 160(1) repealed in relation to any area in which Public Health Act 1925 (c. 71), s. 19 is in force, by that 1925 Act, s. 19(3)
- F11** S. 160(2)–(4) repealed by Highways Act 1959 (c. 25), Sch. 25
- F12** Word substituted by virtue of Local Government Act 1972 (c. 70), s. 179(3)
- F13** Words repealed by Highways Act 1959 (c. 25), Sch. 25

**Modifications etc. (not altering text)**

- C6** Power to extend or exclude s. 160 conferred by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 25
- C7** S. 160 excluded (Greater London) by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 26

**Marginal Citations**

- M1** 1847 c. 34.

*Lighting Streets, &c.*

**161 Powers of urban authority for lighting their district.**

Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp posts, and other materials and apparatus as they may think necessary for lighting the same.

... F14

**Textual Amendments**

- F14** Words repealed by Gas Act 1948 (c. 67), Sch. 4

**Modifications etc. (not altering text)**

- C8** S. 161 amended (Greater London) by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 30; modified by S.I. 1973/686, art. 3(1), Sch. 3

**162** ..... F15

**Textual Amendments**

- F15** S. 162 repealed by Gas Act 1948 (c. 67), Sch. 4

**163** ..... F16

**Textual Amendments**

- F16** S. 163 repealed by Parish Councils Act 1957 (c. 42), Sch. 2

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## PUBLIC PLEASURE GROUNDS, &C.

### 164 <sup>X1</sup>Urban authority may provide places of public recreation.

Any [<sup>F17</sup>local authority] may purchase or take on lease lay out plant improve and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Any [<sup>F17</sup>local authority] may make byelaws for the regulation of any such public walk or pleasure ground, and may by such byelaws provide for the removal from such public walk or pleasure ground of any person infringing any such byelaw by any officer of the [<sup>F17</sup>local authority] or constable.

#### Editorial Information

X1 Unreliable marginal note

#### Textual Amendments

F17 Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 27](#)

#### Modifications etc. (not altering text)

C9 [S. 164](#) extended by [Public Health Acts Amendment Act 1890 \(c. 59\)](#), [s. 45](#); excluded by [Countryside Act 1968 \(c. 41\)](#), [s. 7\(7\)](#); amended by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 27](#)

C10 Function of confirming byelaws or regulations made under [s. 164](#) now exercisable by Secretary of State: [S.R. & O. 1946/1757 \(Rev. XV, p. 112: 1946 I, p. 1012\)](#), [art. 3\(1\)](#), [Sch.](#)

C11 [S. 164](#) certain functions transferred by [S.I. 1986/413](#), [art. 13\(1\)](#)

C12 [S. 164](#) functions made exercisable concurrently (1.2.2005) by [Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), [arts. 2, 25\(1\), 25\(2\)\(i\)](#) (with [art. 35](#))

C13 [S. 164](#) functions made exercisable concurrently (1.2.2005) by [Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), [arts. 2, 25\(1\), 25\(2\)\(i\)](#) (with [art. 35](#))

### 165 Urban authority may provide public clocks.

Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

#### Modifications etc. (not altering text)

C14 [S. 165](#) extended by [Public Health Acts Amendment Act 1890 \(c. 59\)](#), [s. 46](#); amended by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 28](#)

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166— ..... F18  
 170.

#### Textual Amendments

**F18** Ss. 166–170 repealed by [Food and Drugs Act 1938 \(c. 56\)](#), [Sch. 4 Pt. I](#)

### POLICE REGULATIONS

#### 171 Incorporation of certain provisions of 10 & 11 Vict. c. 89.

The provisions of the <sup>M2</sup>Towns Police Clauses Act 1847, with respect to the following matters, (namely.)

- (1) With respect to obstructions and nuisances in the streets; and
- <sup>F19</sup>(2) With respect to fires; and
- (3) With respect to places of public resort; and
- (4) With respect to hackney carriages; . . . <sup>F20</sup>
- (5) . . . <sup>F20</sup>

shall, for the purpose of regulating such matters in urban [<sup>F21</sup>districts], be incorporated with this Act.

The expression in the provisions so incorporated “the superintendent constable, and the expression “any constable or other officer appointed by virtue of this or the special Act, shall, for the purposes of this Act, respectively include any superintendent of police, and any constable or officer of police acting for or in the district of any urban authority; and the expression “within the prescribed distance shall for the purposes of this Act mean within any urban [<sup>F21</sup>district.]

Notwithstanding anything in the provisions so incorporated, a license granted to the driver of any hackney carriage in pursuance thereof shall be in force for one year only from the date of the license, or until the next general licensing meeting where a day for such meeting is appointed.

#### Textual Amendments

**F19** S. 171 para. (2) repealed, in so far as it incorporates [Town Police Clauses Act 1947 \(c. 89\)](#), [s. 32](#), by [Fire Brigades Act 1938 \(c. 72\)](#), [Sch. 3 Pt. I](#)

**F20** Word and s. 171(5) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

**F21** Word substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 179\(3\)](#)

#### Modifications etc. (not altering text)

**C15** S. 171 excluded (Greater London) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 26](#)

**C16** Power to extend or exclude s. 171(4) conferred by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 25](#)

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**Marginal Citations**

**M2** 1847 c. 89.

**172** ..... **F22**

**Textual Amendments**

**F22** S. 172 repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XVI**

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1875, Part IV.