



Public Health (Scotland) Act 1897

CHAPTER 38

PUBLIC HEALTH (SCOTLAND) ACT 1897

Preliminary.

- 1 Short title.
- 2 Extent and commencement of Act.
- 3 Definitions.
- 4 Incorporation of Acts.

PART I

AUTHORITIES FOR EXECUTION OF ACT.

Central Authority.

- 5 Local Government Board to be central authority.
- 6 Powers of Board to inquire into sanitary conditions of district.
- 7 Power to Board to authorise special inquiries.
- 8 Power to Board to appoint commissioners for conducting special inquiries.
- 9 Power to Board to allow expenses of witnesses. &c.
- 10 Penalties on persons giving false evidence or refusing to obey summons of Board.
- 11 Power to Board to appoint clerks, &c.

Local Authorities.

- 12 Local authorities to execute Act.
- 13 Where district in more than one county.
- 14 Local authorities to be bodies corporate. Committees may be appointed.
- 15 Local authority to appoint medical and other officers.

PART II

SANITARY PROVISIONS.

General Nuisances.

- 16 Definition of nuisances.
- 17 Duty of local authority to inspect district for detection of nuisances.
- 18 Power of entry to local authority or their officers.
- 19 Information of nuisances to local authority.
- 20 Notice requiring removal of nuisance.
- 21 On non-compliance with notice local authority to proceed summarily.
- 22 Proceedings by local authority when nuisances are ascertained to exist.
- 23 Form of interlocutor.
- 24 Penalty for contravention of decree and of interdict.
- 25 Order when structural works are required.
- 26 Local authority to do works on owner's or occupier's default, or if person causing nuisance cannot be found.
- 27 Articles removed to be sold.
- 28 Foul ditches, &c. may be replaced by sewers.
- 29 Local authority may erect public waterclosets, &c.
- 30 Penalty for injuring closet, &c. so as to cause nuisance.
- 31 Waterclosets, &c. used in common.

Offensive Trades.

- 32 Prohibition or regulation of certain offensive businesses, and byelaws as to offensive businesses.
- 33 Licensing of slaughter-houses.
- 34 Local authorities may provide a slaughter-house.
- 35 and make byelaws as to pigstyes.
- 36 Duty of local authority to complain to sheriff, &c. of nuisance arising from offensive trade.
- 37 Provision as to nuisance created by local authority in dealing with refuse.

Scavenging and Cleansing.

- 38 Appeal against resolution of district committee as to formation of special scavenging, &c. districts.
- 39 Scavenging of highways, &c. within special districts.
- 40 Houses in filthy state to be purified.
- 41 Provision for obtaining order for cleansing offensive ditches lying near to or forming boundaries of districts.
- 42 Periodical removal of manure from mews and other premises.

Unsound Food.

- 43 Inspection and destruction of unsound meat, &c.

PART III

GENERAL PREVENTION AND MITIGATION OF DISEASE.

Infectious Diseases.—Notification.

- 44 Notification of infectious disease.

Infectious Diseases.—Prevention.

- 45 Power to inspect premises where infectious disease supposed to exist.
- 46 Provision of means for disinfecting bedding, &c.
- 47 Cleansing and disinfecting of premises, &c.
- 48 Disinfection of bedding, &c.
- 49 Persons engaged in washing or mangling clothes to furnish list of owners of clothes in certain cases.
- 50 Infectious matter thrown into ash-pits, &c. to be disinfected.
- 51 Penalty on letting houses in which infected persons have been lodging.
- 52 Penalty on persons letting houses making false statements as to infectious disease.
- 53 Penalty on ceasing to occupy house without disinfection or notice to owner, or on making false answer.
- 54 Removal to hospital of infected persons without proper lodging.
- 55 Detention of infected persons without proper lodging in hospital.
- 56 Penalty on exposure of infected persons and things.
- 57 Penalty on sending child to school, so as to spread infection.
- 58 Prohibitions on infected person carrying on business.
- 59 Prohibition on conveyance, &c. of infected person in public conveyance.
- 60 Inspection of dairies, and power to prohibit supply of milk.
- 61 Dairy men to supply information and to produce list of customers and invoices.
- 62 Prohibition of retention of dead body in certain cases.
- 63 Body of person dying of infectious disease in hospital, &c. to be removed only for burial.
- 64 Disinfection of public conveyances if used for carrying corpses.
- 65 Byelaws as to public conveyances.

Hospitals and Ambulances.

- 66 Power of local authority to provide hospitals.
- 67 Provision of conveyance for infected persons.

Mortuaries, &c.

- 68 Power of local authority to provide mortuaries.
- 69 Power of sheriff, &c. in certain cases to order removal of dead body to mortuary.
- 70 Power of local authority to provide places for post-mortem examinations.
- 71 Power to sanitary authorities to unite for providing mortuary.

Byelaws as to Houses let in Lodgings.

- 72 Power of local authority to make byelaws as to lodging-houses.

Tents and Vans.

- 73 Tents and vans used for human habitation.

Underground Dwellings.

- 74 Rules as to underground dwellings.
- 75 Penalty on letting underground dwellings.

- 76 Cases in which two convictions have occurred within three months.

Vaccination.

- 77 Cost of vaccination.

PART IV

PREVENTION OF EPIDEMIC DISEASES.

- 78 General power of Board to make regulations.
 79 Power of Board to make regulations for certain purposes.
 80 Publication of regulations and orders.
 81 Local authority to see to execution of regulations.
 82 Power of entry.
 83 Board may combine local authorities.
 84 When regulation in force, overcrowded houses to come under common lodging-houses provisions.
 85 Enforcement of regulations by Government officers, &c.
 86 Regulations to be uniform.
 87 Penalties.
 88 Transfer of power under 39 & 40 Vict. c.36 s.234.

PART V

Regulation of Common Lodging-Houses.

- 89 Common lodging-houses to be registered.
 90 No lodger to be received in common lodging-house till it has been inspected and registered.
 91 Evidence of register.
 92 Power to local authority to make byelaws.
 93 Copy of byelaws to be furnished gratis to keepers.
 94 Power to local authority to require additional supply of water.
 95 Power to local authority to order reports from keepers.
 96 Local authority may remove sick persons to hospitals, &c.
 97 As to giving notice of fever, &c. occurring.
 98 Inspection.
 99 Cleansing.
 100 Conviction for third offence, &c. to disqualify persons from keeping common lodging-houses.

PART VI

SEWERS, DRAINS, AND WATER SUPPLY.

Sewers and Drains.

- 101 Sewers to be vested in local authority, &c.
 102 Power to purchase sewers.
 103 Power to make sewers. Sewers to be cleansed.
 104 Notice to be given before commencing sewage works without district.
 105 In case of objection, work not to be commenced without sanction of Board.
 106 Inspector to hold inquiry and report to Board.
 107 Protection for railways, canals, &c.

- 108 Powers of utilizing sewage.
- 109 Power of entry.
- 110 Power to drain into sewers of local authority.
- 111 Use of sewers by persons beyond district.
- 112 Penalty for making unauthorised drains.
- 113 Estimates for work.
- 114 Not to build over sewers, &c.
- 115 Sewers to be trapped.
- 116 Distilleries, &c. to deposit refuse.
- 117 Prohibition against interrupting free flow of sewage.
- 118 Placing carcasses in running water, &c.
- 119 Drain discharging below low-water mark.
- 120 As to drainage of houses.
- 121 Local authorities may combine as to sewerage.
- 122 Special drainage districts.
- 123 Works of distribution of sewage to be deemed a land improvement.

Water Supply.

- 124 Supply of water for burghs.
- 125 Local authority to require water to be supplied to houses in certain cases.
- 126 Supply of water for districts other than burghs.
- 127 Penalty for causing water to be corrupted by gas washings, &c.
- 128 Penalties to be sued for within six months.
- 129 Daily penalty during continuance of offence.
- 130 Local authorities may combine as to water supply.
- 131 Special water supply districts.
- 132 Incorporation of Waterworks Clauses Acts.

PART VII

RATING AND BORROWING POWERS.

Assessments.

- 133 Special sewer assessment.
- 134 Special water assessment.
- 135 General assessments in districts other than burghs.
- 136 General assessments in burghs.
- 137 Limit of assessment.
- 138 Burghs not to be assessed for public health rate in counties.

Borrowing Powers.

- 139 Power of borrowing for sewers.
- 140 Power of borrowing for water supply.
- 141 Power of borrowing for hospitals, &c.
- 142 Power to Public Works Loan Commissioners to lend to local authority for sanitary purposes.
- 143 Audit.

PART VIII

ACQUISITION OF LANDS.

- 144 Power to acquire lands.
- 145 Regulations as to compulsory purchase of lands, &c.

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.
- 147 Provision for refusal or neglect of local authority.
- 148 Procurator fiscal may sue by directions of Board.
- 149 Procedure where nuisance beyond district.
- 150 Local authority may require payment of costs, &c. from owner or occupier, and occupier paying to deduct from rent.
- 151 Penalty for wilful damage of works.
- 152 Appearance of local authorities in legal proceedings.
- 153 Recovery of penalties.
- 154 Form of applications to the sheriff, &c.
- 155 No written pleadings, &c. allowed.
- 156 Appeal in certain cases.
- 157 No appeal otherwise.
- 158 Justices, &c. being members of local authority may act.
- 159 Service of notices, petitions, and orders.
- 160 Proof of regulations of local authority and Board.
- 161 One or more joint owners may be proceeded against alone.
- 162 Penalty on occupier obstructing owner.
- 163 Penalty for violating Act or obstructing its execution.
- 164 Compensation to be made.
- 165 Convictions not void for want of form.
- 166 Local authority or Board not liable for irregularity of their officers.
- 167 Forms.
- 168 Exemption from stamp duties.
- 169 Police constables to aid in executing Act.
- 170 Act not to impair right of action, &c.
- 171 Powers of Act cumulative.

PART X

PORT SANITARY AUTHORITY.

- 172 Constitution of port local authorities.
- 173 Jurisdiction of port local authority.
- 174 Delegation of powers by port local authority.
- 175 Expenses of port local authority.
- 176 Proceedings for raising a sum for payment of debt within district of a defaulting authority.

PART XI

MISCELLANEOUS.

Provisions as to Ships.

- 177 Provision as to ships within the jurisdiction of local authority.
- 178 Provision as to district of local authority extending to place where ships are lying.
- 179 Charge for medical officer attending sick on board any ship and to be paid by captain.
- 180 Power to remove to hospital sick persons brought by ship.

Provisions as to Buildings.

- 181 Byelaws as to regulation of buildings.
- 182 Penalty for erecting buildings on ground filled up with offensive matter.

Provisions as to Byelaws.

- 183 Authentication of byelaws.
- 184 Power to impose penalties on breach of byelaws.
- 185 Confirmation of byelaws.
- 186 Byelaws to be printed, &c.
- 187 Evidence of byelaws.
- 188 As to regulations of local authority.

PART XII

SAVING CLAUSES AND REPEALS.

Saving Clauses.

- 189 Act not to affect navigation of rivers or canals, or irrigation of lands.
- 190 Saving of certain Acts.
- 191 Saving for county councils and standing joint committees.
- 192 Saving of local Acts.
- 193 Reference to Public Health Acts.
- 194 Exemption of Government property from building regulations.
- 195 Application of Act to city of Aberdeen.

Repeal of Acts.

- 196 Repeal of Acts.

SCHEDULES..

FIRST SCHEDULE — Enactments Repealed.

SECOND —
SCHEDULE