



Public Health Act 1936

1936 CHAPTER 49

PART II

SANITATION AND BUILDINGS.

Public sanitary conveniences.

87 Provision of public conveniences.

- (1) A local authority may provide public sanitary conveniences in proper and convenient situations :

Provided that they shall not without the consent of the county council, which may be given upon such terms as the council think fit, provide such conveniences in or under any highway, or on or under any land forming the site of a proposed new highway, if that highway or new highway is, or is intended to be, a highway with respect to which the county council are, or will be, the highway authority.

- (2) A county council may themselves provide public sanitary conveniences in any situation in which such conveniences could not be provided by a local authority except with the consent of the county council.
- (3) A county council or local authority who provide any public sanitary conveniences, may—
- (a) make byelaws as to the conduct of persons using or entering them;
 - (b) let them for such term, at such rent, and subject to such conditions as they think fit;
 - (c) charge such fees for the use of any such conveniences, other than urinals, as they think fit.
- (4) In this section the expression " sanitary conveniences " includes lavatories.

Status: This is the original version (as it was originally enacted).

88 Control over conveniences in, or accessible from, streets.

- (1) No person shall erect any public sanitary convenience in, or so as to be accessible from, any street without the consent of the local authority, who may give their consent upon such terms as to the use of the convenience or its removal at any time, if required by them, as they think fit, and, if any person contravenes the provisions of this subsection, he shall be liable to a fine not exceeding five pounds, without prejudice to the right of the authority under subsection (3) of this section to require the convenience to be removed :

Provided that this subsection shall not apply to any sanitary convenience erected by a railway company within their railway station, or the yard thereof, or the approaches thereto, or erected by dock undertakers in or on land which belongs to them and is held or used by them for the purposes of their undertaking.

- (2) Any person aggrieved by the refusal of a local authority to give a consent under the preceding subsection, or by any terms imposed by them, may appeal to a court of summary jurisdiction.
- (3) The local authority may by notice require—
- (a) the owner of a sanitary convenience which has been erected in contravention of subsection (1) of this section, or the removal of which they are by virtue of the terms of a consent given under that subsection entitled to require, to remove it;
 - (b) the owner of a sanitary convenience which opens on a street and is so placed or constructed as to be a nuisance or offensive to public decency, to remove or permanently to close it.
- (4) The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this section.
- (5) Nothing in this section affects the powers of a county council under the last preceding section.

89 Power to require sanitary conveniences to be provided at inns, refreshment houses, and &c.

- (1) A local authority may by notice require the owner or occupier of any inn, public-house, beerhouse, refreshment-house or place of public entertainment to provide and maintain in a suitable position such number of sanitary conveniences for the use of persons frequenting the premises as may be reasonable.
- (2) If any person fails to comply with a notice served upon him under this section, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor:

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements, or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises.