



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART IV

### Modifications etc. (not altering text)

- C1** Pt. IV extended by [Greater London Council \(General Powers\) Act 1967 \(c. xx\)](#), s. **20(2)**; amended by [Local Government Act 1972 \(c. 70\)](#), s. **181(1)**

**111—** ..... <sup>F1</sup>  
**122.**

### Textual Amendments

- F1** Ss. 111–122, 124(3), 125(3), 126–136 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

**123** ..... <sup>F2</sup>

### Textual Amendments

- F2** S. 123 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1)(3), [Sch. 25 para. 1\(2\)\(ii\)](#), [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), [Sch. 26 paras. 3\(1\)\(2\)](#), 13(3), 16(8), 17, 40(4), 41(1), 57(6), 58)

*Public wells, pumps, &c.*

**124** **Certain public pumps, wells, cisterns, &c. vested in local authority.**

- (1) All public pumps, wells, cisterns, reservoirs, conduits, and other works used for the gratuitous supply of water to the inhabitants of any part of the district of a local

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*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Part IV. (See end of Document for details)*

authority shall vest in and be under the control of the authority, and the authority may cause the works to be maintained and supplied with wholesome water, or may substitute, maintain and supply with wholesome water other such works equally convenient.

(2) If the local authority are satisfied that any such works are no longer required, or that the water obtained from any such works is polluted and that it is not reasonably practicable to remedy the cause of the pollution, they may close those works or restrict the use of the water obtained therefrom.

(3) ..... F3

**Textual Amendments**  
F3 Ss. 111–122, 124(3), 125(3), 126–136 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

**125 Power of parish council to utilise wells, springs or streams for obtaining water.**

(1) A parish council may utilise any well, spring or stream within their parish and provide facilities for obtaining water therefrom, and may execute any works, including works of maintenance or improvement, incidental to, or consequential on, any exercise of that power:

Provided that nothing in this subsection shall be construed as authorising them to interfere with the rights of any person, or as restricting, in the case of a public well or other works, any powers of the local authority under the last preceding section.

(2) A parish council may contribute towards the expenses incurred by any other parish council, or by any other person, in doing anything authorised by the preceding subsection.

(3) ..... F4

**Textual Amendments**  
F4 Ss. 111–122, 124(3), 125(3), 126–136 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

**Modifications etc. (not altering text)**  
C2 Reference to “parish” amended by [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 Pt. I para. 6](#)

126— ..... F5  
136.

**Textual Amendments**  
F5 Ss. 111–122, 124(3), 125(3), 126–136 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

137, ..... F6  
138.

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**Textual Amendments**

**F6** Ss. 137, 138 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

**139** ..... **F7**

**Textual Amendments**

**F7** S. 139 repealed by [Water Act 1945 \(c. 42\)](#), s. 62, [Sch. 5](#)

*Provisions for the protection of public from polluted water*

**140 Power to close, or restrict use of water from, polluted source of supply.**

- (1) If a local authority are of opinion that the water in or obtained from any well, tank or other source of supply not vested in them, being water which is, or is likely to be, used for domestic purposes, or in the preparation of food or drink for human consumption, is, or is likely to become, so polluted as to be prejudicial to health, the authority may apply to a court of summary jurisdiction and thereupon a summons may be issued to the owner or occupier of the premises to which the source of supply belongs, or to any other person alleged in the application to have control thereof.
- (2) Upon the hearing of the summons, the court may make an order directing the source of supply to be permanently or temporarily closed or cut off, or the water therefrom to be used for certain purposes only, or such other order as appears to the court to be necessary to prevent injury or danger to the health of persons using the water, or consuming food or drink prepared therewith or therefrom.

The court shall hear any user of the water who claims to be heard, and may cause the water to be analysed at the cost of the local authority.

- (3) If a person on whom an order is made under this section fails to comply therewith, the court may, on the application of the local authority, authorise them to do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by the authority in so doing may be recovered by them from the person in default.

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

- C3** Ss. 140-141 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, [Sch.2](#).
- C4** Ss. 140-141 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, [Sch.2](#).
- C5** S. 140 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, [Sch.](#)
- C6** S. 140 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, [Sch.](#)
- C7** S. 140 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, [Sch.](#) (with art. 2)
- C8** S. 140 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, [Sch.](#)
- C9** S. 140 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, [Sch.](#)

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- C10** Ss. 140, 141 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C11** S. 140 functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, **Sch. 2**

**141 Power to deal with insanitary cisterns, &c.**

Any well, tank, cistern, or water-butt used for the supply of water for domestic purposes which is so placed, constructed or kept as to render the water therein liable to contamination prejudicial to health, shall be a statutory nuisance for the purposes of [<sup>F8</sup>Part III of the Environmental Protection Act 1990].

**Textual Amendments**

- F8** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 4(2)**

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

- C10** Ss. 140, 141 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C12** S. 141 amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, **Sch. 1 Pt. I para. 3**  
S. 141 amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\)](#), **Sch. 3 Pt. I para. 1**
- C13** Ss. 140-141 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.
- C14** Ss. 140-141 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.
- C15** S. 141 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C16** S. 141 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C17** S. 141 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C18** S. 141 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C19** S. 141 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C20** S. 141 modified by [SI 2010/675 Sch. 23 Pt. 8 para. 3 Table 9 \(as substituted \(1.10.2011\) by The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), **Sch. 1**)

**142** ..... <sup>F9</sup>

**Textual Amendments**

- F9** S. 142 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

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**Changes to legislation:**

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