



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART XII

### GENERAL

#### *Supplemental as to powers of councils*

271 .....<sup>F1</sup>

#### Textual Amendments

**F1** S. 271 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

272, .....<sup>F2</sup>  
273.

#### Textual Amendments

**F2** Ss. 272, 273 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

274 .....<sup>F3</sup>

#### Textual Amendments

**F3** Ss. 274, 277 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

*Status: Point in time view as at 01/03/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Supplemental as to powers of councils. (See end of Document for details)*

## 275 Power of local authority to execute certain work on behalf of owners or occupiers.

A local authority may by agreement with the owner or occupier of any premises themselves execute at his expense any work which they have under this Act required him to execute, or any work in connection with the construction, laying, alteration or repair of a sewer, [<sup>F4</sup>or drain], which he is entitled to execute, and for that purpose they shall have all such rights as he would have.

### Textual Amendments

**F4** Words substituted by [Water Act 1945 \(c. 42\), Sch. 4](#)

### Modifications etc. (not altering text)

- C1** S. 275 extended by [Mines and Quarries \(Tips\) Act 1969 \(c. 10\), s. 33](#)
- C2** S. 275 amended by [Water Act 1989 \(c. 15, SIF 130\), s. 69, Sch. 8 para. 1\(2\)\(b\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)  
S. 275 applied (27.8.1993) by [1993 c. 11, ss. 62\(1\)](#) 68(2)
- C3** S. 275 applied (with modifications) (20.9.2000) by [2000 c. vii, ss. 1\(1\), 19\(9\)\(11\)](#)
- C4** S. 275 applied (with modifications) (13.7.2004) by [London Local Authorities Act 2004 \(c. i\), ss. 1\(1\), 9, Sch. 1](#)
- C5** S. 275 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\), s. 1\(3\), Sch. 1](#)
- C6** S. 275 modified (21.9.2008) by [London Local Authorities and Transport for London Act 2008 \(c. iii\), ss. 1\(2\), 11\(4\), Sch. 1](#)

## 276 Power of local authority to sell certain materials.

- (1) A local authority may sell any materials which have been removed by them from any premises, including any street, when executing works under, or otherwise carrying into effect the provisions of, this Act, and which are not before the expiration of three days from the date of their removal claimed by the owner and taken away by him.
- (2) Where a local authority sell any materials under this section, they shall pay the proceeds to the person to whom the materials belonged after deducting the amount of any expenses recoverable by them from him.
- (3) This section does not apply to refuse removed by a local authority.

### Modifications etc. (not altering text)

- C7** S. 276 applied with modifications by [S.I. 1987/349, reg. 11](#) and [S.I. 1990/1519, reg. 11](#)
- C8** S. 276 amended by [Water Act 1989 \(c. 15, SIF 130\), s. 69, Sch. 8 para. 1\(2\)\(b\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
- C9** Power to apply s. 276 conferred by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 178\(3\)\(a\)\(5\), 209\(3\)\(a\)\(5\), 219\(3\)\(a\)\(5\)](#) and by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9, SIF 123:1\), ss. 42\(3\)\(5\), 74\(3\)](#)
- C10** S. 276 applied by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), s. 190\(5\)](#)
- C11** S. 276 applied (with modifications) (17.7.1992) by [S.I. 1992/1492, reg. 14\(1\)](#).  
S. 276 applied (27.8.1993) by [1993 c. 11, ss. 62\(1\)](#), 68(2)

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**C12** S. 276 applied (with modifications) (1.3.2010) by [The Infrastructure Planning \(Miscellaneous Prescribed Provisions\) Regulations 2010 \(S.I. 2010/105\)](#), regs. 1(1), **5(1)**

**277** ..... <sup>F5</sup>

**Textual Amendments**

**F5** Ss. 274, 277 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

**278 Compensation to individuals for damage resulting from exercise of powers under Act.**

- (1) Subject to the provisions of this section, a local authority shall make full compensation to any person who has sustained damage by reason of the exercise by the authority of any of their powers under this Act in relation to a matter as to which he has not himself been in default.
- (2) Any dispute arising under this section as to the fact of damage, or as to the amount of compensation, shall be determined by arbitration:  
Provided that, if the compensation claimed does not exceed fifty pounds, all questions as to the fact of damage, liability to pay compensation and the amount of compensation may on the application of either party be determined by, and any compensation awarded may be recovered before, a court of summary jurisdiction.
- (3) No person shall be entitled by virtue of this section to claim compensation <sup>F6</sup> . . . on the ground that he has sustained damage by reason of any action of a local authority in respect of which the authority are by this Act authorised to pay compensation if they think fit.
- (4) ..... <sup>F7</sup>

**Textual Amendments**

- F6** Words in s. 278(3) repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), **Sch. 3 Pt.1** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).
- F7** Ss. 278(4), 279 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, Sch. 8 para. 2(5), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

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

- C13** S. 278 amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(3), 17, 40(4), 57(6), 58)  
S. 278 applied (27.8.1993) by 1993 c. 11, **ss. 62(1)**, 68(2)  
S. 278 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 19(10)(11)
- C14** S. 278 applied (with modifications) (13.7.2004) by [London Local Authorities Act 2004 \(c. i\)](#), ss. 1(1), 9, **Sch. 1**
- C15** S. 278 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), s. 1(3), **Sch. 1**
- C16** S. 278 modified (21.9.2008) by [London Local Authorities and Transport for London Act 2008 \(c. iii\)](#), ss. 1(2), 11(4), **Sch. 1**

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**C17** S. 278(1)(2) extended by Public Health Act 1961 (c. 64), **s. 54(7)**; S.I. 1966/1305, **art. 5(1)**; S.I. 1968/1366, **art. 12** and Local Government Act 1972 (c. 70), **Sch. 14 Pt. I para. 20**

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