



# Public Health Act 1936

## 1936 CHAPTER 49

### PART XII

#### GENERAL.

*Interpretation, transitory provisions, repeals, dec.*

#### **343 Interpretation.**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

" authorised officer " means, as respects any council, an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind, or in any specified matter:

Provided that the medical officer of health, surveyor and sanitary inspector of a council shall, by virtue of their appointments, be deemed to be authorised officers for the purpose of matters within their respective provinces;

" bridge authority " means—

- (i) in the case of a county bridge the county council;
- (ii) in the case of a bridge which carries a highway repairable by the inhabitants at large but is not a county bridge, the council who are the highway authority in respect of that highway; and
- (iii) in the case of any other bridge, the authority or person responsible for the maintenance thereof;

" building byelaws " means byelaws made under Part II of this Act with respect to buildings, works and fittings, and includes also byelaws made with respect to those matters under any corresponding enactment repealed by this Act, or under any such enactment as amended or extended by a local Act;

" clerk, " in relation to a local authority being the council of a borough, means the town clerk;

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*Status: This is the original version (as it was originally enacted).*

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" coastal waters " means waters within a distance of three nautical miles from any point on the coast measured from low-water mark of ordinary spring tides;

" contributory place " means—

- (a) a rural parish no part of which is included in a special purpose area formed under this Act or under any Act repealed by this Act or by the Public Health Act, 1875;
- (b) a special purpose area so formed; and
- (c) in the case of a rural parish part of which forms or is included in a special purpose area formed as aforesaid, such part of the parish as is not comprised within that area;

" county " means an administrative county;

" county district " means a non-county borough, urban district or rural district;

" dock undertakers " means persons who are statutory undertakers in respect of a dock, harbour, canal, or inland navigation;

" drain " means a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage ;

" dustbin " means a movable receptacle for the deposit of ashes or refuse;

" emoluments " has the same meaning as it has in the Local Government Act, 1933;

" enactment " includes any enactment in a provisional order confirmed by Parliament;

" factory " means a factory within the meaning of the Factory and Workshop Acts, 1901 to 1929; " functions " includes powers and duties ;

" highway authority " means, in the case of a highway repairable by the inhabitants at large, the council in whom that highway is vested;

" hospital " includes any premises for the reception of the sick;

" house " means a dwelling-house, whether a private dwelling-house or not;

" inland waters " includes rivers, harbours and creeks;

" joint board " means a joint board constituted under this Act or under any Act repealed by this Act, and includes such a board acting as a port health authority;

" land " includes any interest in land and any easement or right in, to or over land;

" land drainage authority " means a drainage authority within the meaning of the Land Drainage Act, 1930;

" local Act " includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order;

" local authority " has the meaning assigned to it in section one of this Act;

" London " means the administrative county of London;

" Minister " means the Minister of Health;

" notifiable disease " means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric or relapsing, and includes, as respects any particular district, any infectious disease to which Part V of this Act or any corresponding enactment repealed by this Act has been applied by the local authority of the district in manner provided by that Part or that enactment;

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" officer " includes servant;

" owner " means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if those premises were let at a rackrent;

" planning scheme " means a scheme made under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts;

" prejudicial to health " means injurious, or likely to cause injury, to health;

" premises " includes messuages, buildings, lands, easements and hereditaments of any tenure;

" private sewer " means a sewer which is not a public sewer;

" public sewer " has the meaning assigned to it in section twenty of this Act;

" rackrent " in relation to any property means a rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and tithe rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;

" railway company " means persons who are statutory undertakers in respect of a railway undertaking;

" school " includes a Sunday school or a Sabbath school;

" sewer " does not include a drain as defined in this section but, save as aforesaid, includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings;

" statutory order " means an order, rule or regulation made under any enactment;

" statutory scheme " means a scheme made under any enactment;

" statutory undertakers " means any persons authorised by an enactment or statutory order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;

" street " includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

" vessel " has the same meaning as in the Merchant Shipping Act, 1894;

" waterworks " includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines and all machinery, lands, buildings and things for supplying, or used for supplying, water, or used for protecting sources of water supply;

" workplace " does not include a factory or workshop, but save as aforesaid includes any place in which persons are employed otherwise than in domestic service;

" workshop " means a workshop within the meaning of the Factory and Workshop Act, 1901.

- (2) In the construction of any enactment incorporated with this Act, the expressions " the undertakers " and " the special Act " shall be construed as meaning respectively the local authority and this Act.

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

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- (3) Nothing in this section shall affect the interpretation of expressions which are used in any local Act, statutory order or scheme passed or made before the commencement of this Act and are denned as having for the purposes thereof the same meaning as in some enactment repealed by this Act.