



# Prevention of Damage by Pests Act 1949

1949 CHAPTER 55 12 13 and 14 Geo 6

## PART I

### RATS AND MICE

#### **4 Power of local authority to require action.**

(1) If in the case of any land it appears to the local authority, whether in consequence of a notice given in respect of the land under the last foregoing section or otherwise, that steps should be taken for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice, they may serve on the owner or occupier of the land a notice requiring him to take, within such reasonable period as may be specified in the notice, such reasonable steps for the purpose aforesaid as may be so specified; and where the owner of any land is not also the occupier thereof separate notices may be served under this section on the owner and on the occupier.

(2) Any such notice may in particular require—

- (a) the application to the land of any form of treatment specified in the notice;
- (b) the carrying out on the land of any structural repairs or other works so specified,

and may prescribe the times at which any treatment required by the notice is to be carried out.

(3) ..... F1

(4) If on a complaint made by the owner of any land it appears to a court of summary jurisdiction that the occupier of the land prevents the owner from carrying out any work which he is required to carry out by a notice under this section, the court may order the occupier to permit the carrying out of the work.

(5) Subsections (3) to (5) of section two hundred and ninety of the <sup>M1</sup>Public Health Act 1936 (which provide for an appeal to a court of summary jurisdiction against certain notices requiring the execution of works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as they apply to any such notice as is mentioned in subsection (1) of that section; and sections

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three hundred to three hundred and two of that Act (which contain supplementary provisions relating to such appeals) shall have effect accordingly.

(6) In the application of this section to Scotland—

- (a) . . . <sup>F2</sup>
- (b) for references to a complaint and to a court of summary jurisdiction there shall be substituted references to an application and to the sheriff;
- (c) for subsection (5) there shall be substituted the following subsection—

“(5) [<sup>F3</sup>Section 27 of the Housing (Scotland) Act 1969] (which provides for an appeal to the sheriff against certain notices requiring the execution of works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as it applies to any such notice as is mentioned in paragraph (a) of subsection (1) of that section.”

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#### Textual Amendments

- F1** S. 4(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**
- F2** S. 4(6)(a) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**
- F3** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 17(2)(a)**

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

- C1** S. 4 modified (E.) (6.4.2010) by [Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), art. 1(1), **Sch.**
- C2** S. 4 modified (E.) (6.4.2010) by [Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), art. 1(1), **Sch.**

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#### Marginal Citations

- M1** [1936 c. 49](#).

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