



Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

PART I

Preliminary

1 Short title.

This Act may be cited as “The Public Health Act 1875.

2 Extent of Act.

This Act shall not extend to Scotland or Ireland, . . . ^{F1}

Textual Amendments

F1 Words repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

3 ^{F2}

Textual Amendments

F2 [S. 3](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

^{F3}**4 Definitions.**

In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say,

. ^{F4}
“Person includes any body of persons, whether corporate or unincorporate:

. . . ^{F5}

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

“Lands and “Premises include messuages buildings lands easements and hereditaments of any tenure:

“Owner means the person for the time being receiving the rackrent of the lands or premises in connexion 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 such lands or premises were let at a rackrent:

“Rackrent means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises; and the full net annual value shall be taken to be 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, ^{F6} . . . , 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:

“Street includes any highway . . . ^{F7} and any public bridge . . . ^{F8} , and any road lane footway square court alley or passage whether a thoroughfare or not:

“House includes schools, also factories and other buildings in which . . . ^{F9} persons are employed . . . ^{F9}.

“Drain means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed:

..... ^{F10}

Textual Amendments

- F3** S. 4 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith
- F4** Definitions repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)
- F5** Definition repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F6** Words in s. 4 repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group3.
- F7** Words repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)
- F8** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)
- F9** Words repealed by [Factory and Workshop Act 1878 \(c. 16\)](#), [Sch. 6](#)
- F10** Definitions repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

PART II

5 ^{F11}

Textual Amendments

- F11** S. 5 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

6 ^{F12}

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Textual Amendments

F12 S. 6 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

7—9. **F13**

Textual Amendments

F13 Ss. 7–9 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

10, 11. **F14**

Textual Amendments

F14 Ss. 10, 11 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

12 **F15**

Textual Amendments

F15 S. 12 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

PART III

SANITARY PROVISIONS

13— **F16**
25.

Textual Amendments

F16 Ss. 13–25 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

26 **F17**

Textual Amendments

F17 S. 26 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

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27— F18
50.

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Textual Amendments
F18 Ss. 27–65 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I

WATER SUPPLY

51— F19
65.

.....
Textual Amendments
F19 Ss. 27–65 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I

66 F20

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Textual Amendments
F20 S. 66 repealed by Fire Brigades Act 1938 (c. 72), Sch. 3

67 F21

.....
Textual Amendments
F21 S. 67 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I

Provisions for Protection of Water

68 Penalty for causing water to be corrupted by gas washings.

Any person engaged in the manufacture of gas who—

- (1) Causes or suffers to be brought or to flow into any stream reservoir aqueduct pond or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or
- (2) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream reservoir aqueduct pond or place for water is fouled, shall forfeit for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours notice from the local authority or the person to whom the water belongs in that behalf, a further sum of twenty pounds for every day during

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which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the local authority by the local authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Modifications etc. (not altering text)

- C1** S. 68 modified by Rivers (Prevention of Pollution) Act 1961 (c. 50), **ss. 2(2)**, 4(1) and Control of Pollution Act 1974 (c. 40), **s. 54**
- C2** S. 68 amended by Water Act 1989 (c. 15, SIF 130), **s. 113(4)** (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), 17, 40(4), 57(6), 58)
- C3** S. 68 amended (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para.1**

69 **F22**

Textual Amendments

- F22** S. 69 repealed, except as respects proceedings instituted before 1.10.1951, by Rivers (Prevention of Pollution) Act 1951 (c. 64), **Sch. 3**

70— **F23**
115.

Textual Amendments

- F23** Ss. 70–115 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I**

116— **F24**
119.

Textual Amendments

- F24** Ss. 116–119 repealed by Food and Drugs Act 1938 (c. 56), **Sch. 4 Pt. I**

120— **F25**
143.

Status: Point in time view as at 24/03/2009.

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Textual Amendments

F25 Ss. 120–143 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

PART IV

LOCAL GOVERNMENT PROVISIONS

HIGHWAYS AND STREETS

144 **F26**

Textual Amendments

F26 S. 144 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

145 **F27**

Textual Amendments

F27 S. 145 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

146, **F28**
147.

Textual Amendments

F28 Ss. 146, 147 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

148 **F29**

Textual Amendments

F29 S. 148 repealed with saving for any agreements in force under that section by [Control of Pollution Act 1974 \(c. 40\)](#), **Sch. 4**

Regulation of Streets and Buildings

149— **F30**
152.

Status: Point in time view as at 24/03/2009.

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Textual Amendments

F30 Ss. 149–152, 154, 155 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

153 Power to require gas and water pipes to be moved.

Where for any purpose of this Act any urban authority deem it necessary to raise sink or otherwise alter the situation of any water or gas pipes mains plugs or other waterworks or gasworks laid in or under any street, they may by notice in writing require the owner of the pipes mains plugs or works to raise sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice; the expenses of or connected with any such alteration shall be paid by the urban authority; and if such notice is not complied with the urban authority may themselves make the alteration required:

Provided—

That no such alteration shall be required or made which will permanently injure any such pipes mains plugs or works or prevent the water or gas from flowing as freely and conveniently as usual; and

That where under any local Act of Parliament the expenses of or connected with the raising sinking or otherwise altering the situation of any water or gas pipes mains plugs or other waterworks or gasworks, are directed to be borne by the owner of such pipes or works, his liability in that respect shall continue in the same manner and under the same conditions in all respects as if this Act had not been passed.

Modifications etc. (not altering text)

- C4** S. 153 excluded by [Public Utilities Street Works Act 1950 \(c. 39\)](#), s. 24, **Sch. 5**; amended by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 Pt. 11 para. 29**
- C5** S. 153: functions of the Secretary of State for Transport made exercisable by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986](#), art. 2, **Sch. 3 para. 1**
S. 153: functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106](#), art. 2, **Sch. 3 para. 1**
- C6** S. 153 applied (1.11.2007) by [Flood Defence \(Mimms Hall Brook Works\) Order 2007 \(S.I. 2007/2980\)](#), arts. 1, **5(3)**
- C7** S. 153 certain functions made exercisable (24.3.2009) by [The Contracting Out \(Highway Functions\) Order 2009 \(S.I. 2009/721\)](#), arts. 1, 3, **Sch. 3 paras. 1**

154, **F31**
155.

Textual Amendments

F31 Ss. 149–152, 154, 155 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

156 **F32**

Status: Point in time view as at 24/03/2009.

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Textual Amendments

F32 S. 156 repealed by [Public Health \(Buildings in Streets\) Act 1888 \(c. 52\)](#), **s. 3**

157, **F33**
158.

Textual Amendments

F33 Ss. 157, 158 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

159 **F34**

Textual Amendments

F34 S. 159 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

160 Incorporation of certain provisions of 10 & 11 Vict. c. 34.

The provisions of the ^{M1}Towns Improvement Clauses Act 1847, with respect to the following matters, that is to say,

^{F35}(1) With respect to naming the streets and numbering the houses; and

(2) ... ^{F36}

shall, for the purpose of regulating such matters in [^{F37}districts,] be incorporated with this Act.

... ^{F38}

Textual Amendments

F35 S. 160(1) repealed in relation to any area in which [Public Health Act 1925 \(c. 71\)](#), **s. 19** is in force, by that 1925 Act, s. 19(3)

F36 S. 160(2)–(4) repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

F37 Word substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), **s. 179(3)**

F38 Words repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

Modifications etc. (not altering text)

C8 Power to extend or exclude s. 160 conferred by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 Pt. II para. 25**

C9 S. 160 excluded (Greater London) by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 Pt. II para. 26**

Marginal Citations

M1 1847 c. 34.

Status: Point in time view as at 24/03/2009.

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Lighting Streets, &c.

161 Powers of urban authority for lighting their district.

Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp posts, and other materials and apparatus as they may think necessary for lighting the same.

... F39

Textual Amendments

F39 Words repealed by [Gas Act 1948 \(c. 67\)](#), [Sch. 4](#)

Modifications etc. (not altering text)

C10 [S. 161](#) amended (Greater London) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 30](#); modified by [S.I. 1973/686, art. 3\(1\)](#), [Sch. 3](#)

162 F40

Textual Amendments

F40 [S. 162](#) repealed by [Gas Act 1948 \(c. 67\)](#), [Sch. 4](#)

163 F41

Textual Amendments

F41 [S. 163](#) repealed by [Parish Councils Act 1957 \(c. 42\)](#), [Sch. 2](#)

PUBLIC PLEASURE GROUNDS, &c.

164 ^{x1}**Urban authority may provide places of public recreation.**

Any [^{F42}local authority] may purchase or take on lease lay out plant improve and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Any [^{F42}local authority] may make byelaws for the regulation of any such public walk or pleasure ground, and may by such byelaws provide for the removal from such public walk or pleasure ground of any person infringing any such byelaw by any officer of the [^{F42}local authority] or constable.

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Editorial Information

X1 Unreliable marginal note

Textual Amendments

F42 Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 Pt. II para. 27**

Modifications etc. (not altering text)

- C11** [S. 164](#) extended by [Public Health Acts Amendment Act 1890 \(c. 59\)](#), **s. 45**; excluded by [Countryside Act 1968 \(c. 41\)](#), **s. 7(7)**; amended by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 Pt. II para. 27**
- C12** Function of confirming byelaws or regulations made under s. 164 now exercisable by Secretary of State: S.R. & O. 1946/1757 (Rev. XV, p. 112; 1946 I, p. 1012), art. 3(1), Sch.
- C13** [S. 164](#) certain functions transferred by [S.I. 1986/413](#), **art. 13(1)**
- C14** [S. 164](#) functions made exercisable concurrently (1.2.2005) by [Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 2, **25(1)**, 25(2)(i) (with art. 35)
- C15** [S. 164](#) functions made exercisable concurrently (1.2.2005) by [Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, **25(1)**, 25(2)(i) (with art. 35)

165 Urban authority may provide public clocks.

Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

Modifications etc. (not altering text)

C16 [S. 165](#) extended by [Public Health Acts Amendment Act 1890 \(c. 59\)](#), **s. 46**; amended by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 Pt. II para. 28**

166— **F43**
170.

Textual Amendments

F43 [Ss. 166–170](#) repealed by [Food and Drugs Act 1938 \(c. 56\)](#), **Sch. 4 Pt. I**

POLICE REGULATIONS

171 Incorporation of certain provisions of 10 & 11 Vict. c. 89.

The provisions of the ^{M2}Towns Police Clauses Act 1847, with respect to the following matters, (namely.)

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- (1) With respect to obstructions and nuisances in the streets; and
- ^{F44}(2) With respect to fires; and
- (3) With respect to places of public resort; and
- (4) With respect to hackney carriages; . . . ^{F45}
- (5) . . . ^{F45}

shall, for the purpose of regulating such matters in urban [^{F46}districts], be incorporated with this Act.

The expression in the provisions so incorporated “the superintendent constable, and the expression “any constable or other officer appointed by virtue of this or the special Act, shall, for the purposes of this Act, respectively include any superintendent of police, and any constable or officer of police acting for or in the district of any urban authority; and the expression “within the prescribed distance shall for the purposes of this Act mean within any urban [^{F46}district.]

Notwithstanding anything in the provisions so incorporated, a license granted to the driver of any hackney carriage in pursuance thereof shall be in force for one year only from the date of the license, or until the next general licensing meeting where a day for such meeting is appointed.

Textual Amendments

- F44** S. 171 para. (2) repealed, in so far as it incorporates [Town Police Clauses Act 1947 \(c. 89\)](#), [s. 32](#), by [Fire Brigades Act 1938 \(c. 72\)](#), [Sch. 3 Pt. I](#)
- F45** Word and s. 171(5) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)
- F46** Word substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 179\(3\)](#)

Modifications etc. (not altering text)

- C17** S. 171 excluded (Greater London) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 26](#)
- C18** Power to extend or exclude s. 171(4) conferred by [Local Government Act 1972 \(c. 70\)](#), [Sch. 14 Pt. II para. 25](#)

Marginal Citations

- M2** [1847 c. 89](#).

172 ^{F47}

Textual Amendments

- F47** S. 172 repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XVI](#)

Status: Point in time view as at 24/03/2009.

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PART V

GENERAL PROVISIONS

173, ^{F48}
174.

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Textual Amendments
F48 Ss. 173, 174 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

175— ^{F49}
178.

.....
Textual Amendments
F49 Ss. 175–178 repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

ARBITRATION

^{F50}**179**

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Textual Amendments
F50 S. 179 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X](#) Group1.

180 ^{F51}

.....
Textual Amendments
F51 S. 180 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X](#) Group1.

^{F52}**181**

.....
Textual Amendments
F52 S. 181 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X](#) Group1.

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BYELAWS

182^{F53}

Textual Amendments

F53 Ss. 182, 185–187, 189–200 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. I**

^{F54}**183 Power to impose penalties on breach of byelaws.**

Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of [^{F55}level 2 on the standard scale] for each offence, and in the case of a continuing offence a further penalty not exceeding [^{F56}£2] for each day after written notice of the offence from the local authority . . .^{F57}

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaw made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

Textual Amendments

F54 S. 183 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F55 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

F56 Words substituted by virtue of Decimal Currency Act 1969 c. 19), s. 10(1)

F57 Words repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. I**

Modifications etc. (not altering text)

C19 S. 183 applied by Commons Act 1899 (c. 30), **s. 10** and Open Spaces Act 1906 (c. 25), **s. 15(2)**; modified by Criminal Law Act 1977 (c. 45), **s. 31(2)(3)**

^{F58}**184 Confirmation of byelaws.**

Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the [^{F59}Secretary of State] . . .^{F60}

Textual Amendments

F58 S. 184 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F59 Words substituted by virtue of Ministry of Health Act 1919 (c. 21), s. 3(1)(a), **Sch. 1 para. 1, S.I.** 1951/142 (1951 I, p. 1348), arts. 3, 5(2), Sch. Pt. I, 1951/753 (1951 I, p. 1354), art. 3(2), 1951/1900 (1951 I, p. 1347), art. 1, (W.) 1965/319, arts. 2(1), 10(1), Sch. 1 Pt. I, 1968/1699, arts. 2, 5(4)(a) and 1970/1681, arts. 2(1), 6(3)

F60 Words repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. I**

Status: Point in time view as at 24/03/2009.

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Modifications etc. (not altering text)

C20 S. 184 applied by [Commons Act 1899 \(c. 30\)](#), **s. 10** and [Open Spaces Act 1906 \(c. 25\)](#), **s. 15(2)**

185— **F61**
187.

Textual Amendments

F61 Ss. 182, 185–187, 189–200 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

F62 188 As to regulations of local authority.

The provisions of this Act relating to byelaws shall not apply to any regulations which a local authority is by this Act authorised to make; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such manner as they think fit.

Textual Amendments

F62 S. 188 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

189— **F63**
200.

Textual Amendments

F63 Ss. 182, 185–187, 189–200 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

201 **F64**

Textual Amendments

F64 S. 201 repealed by [Local Government Act 1894 \(56 & 57 Vict. c. 73\)](#), **Sch. 2**

202, **F65**
203.

Textual Amendments

F65 Ss. 202, 203 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

204 **F66**

Status: Point in time view as at 24/03/2009.

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Textual Amendments

F66 S. 204 repealed by [Local Government Act 1894 \(56 & 57 Vict. c. 73\)](#), **Sch. 2**

205 **F67**

Textual Amendments

F67 S. 205 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

206 **F68**

Textual Amendments

F68 S. 206 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

PART VI

RATING AND BORROWING POWERS, &c.

EXPENSES OF URBAN AUTHORITY AND URBAN RATES

General Provisions as to Urban Rates

207— **F69**
210.

Textual Amendments

F69 Ss. 207–210 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

211 **F70**

Textual Amendments

F70 S. 211 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

212 **F71**

Status: Point in time view as at 24/03/2009.

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Textual Amendments

F71 S. 212 repealed by [Rating and Valuation Act 1925 \(c. 90\)](#), **Sch. 8**

213— **F72**
215.

Textual Amendments

F72 Ss. 213–215 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

216, **F73**
217.

Textual Amendments

F73 Ss. 216, 217 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

218— **F74**
223.

Textual Amendments

F74 Ss. 218–223 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch.25**

224 **F75**

Textual Amendments

F75 S. 224 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

225, **F76**
226.

Textual Amendments

F76 Ss. 225, 226 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

227 **F77**

Status: Point in time view as at 24/03/2009.

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Textual Amendments

F77 Ss. 227, 229 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

F78 **228**

Textual Amendments

F78 S. 228 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. X** Group1.

229 **F79**

Textual Amendments

F79 Ss. 227, 229 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

230, **F80**
231.

Textual Amendments

F80 Ss. 230, 231 repealed by [Rating and Valuation Act 1925 \(c. 90\)](#), **Sch. 8**

232 **F81**

Textual Amendments

F81 S. 232 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

233 **F82**

Textual Amendments

F82 S. 233 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

234 **F83**

Textual Amendments

F83 S. 234 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

235 F84

Textual Amendments
F84 S. 235 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

236— F85
239.

Textual Amendments
F85 Ss. 236–239 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

240, F86
241.

Textual Amendments
F86 Ss. 240, 241 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

242, F87
243.

Textual Amendments
F87 Ss. 242, 243 repealed with saving by [National Loans Act 1968 \(c. 13\)](#), s. 24(2), [Sch. 6 Pt. II](#)

244 F88

Textual Amendments
F88 S. 244 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

245— F89
247.

Textual Amendments
F89 Ss. 245–247 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pts. I, V](#)

248 F90

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Textual Amendments

F90 S. 248 repealed by [Rating and Valuation Act 1925 \(c. 90\)](#), **Sch. 8**

249, **F91**
250.

Textual Amendments

F91 Ss. 249, 250 repealed by [Local Government Act 1933 \(c. 51\)](#), Sch. 11 Pts. I, V

PART VII

LEGAL PROCEEDINGS

Prosecution of Offences and Recovery of Penalties, &c.

^{F92}251 Summary proceedings for offences, penalties, &c.

All offences under this Act, and all penalties forfeitures costs and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. ^{F93} . . .

Textual Amendments

F92 S. 251 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F93 Words in s. 251 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. X** Group 1.

Modifications etc. (not altering text)

C21 S. 251 applied by [S.I. 1986/567](#), **art. 4** Table

252 **F94**

Textual Amendments

F94 S. 252 repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), **Sch.**

253 **F95**

Textual Amendments

F95 S. 253 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

254 F96

Textual Amendments

F96 S. 254 repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. III](#)

255 F97

Textual Amendments

F97 S. 255 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

256, F98
257.

Textual Amendments

F98 Ss. 256, 257 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

^{F99}258 **Justices may act though members of local authority or liable to contribute.**

No justice of the peace shall be deemed incapable of acting in cases arising under this Act . . . ^{F100} by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund, out of which any expenses incurred by such authority are under this Act to be defrayed.

Textual Amendments

F99 S. 258 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F100 Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. I](#)

259, F101
260.

Textual Amendments

F101 Ss.259, 260 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

^{F102}261

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Textual Amendments

F102 S. 261 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. X Group1.

262 **F103**

Textual Amendments

F103 Commentary Missing

263 **F104**

Textual Amendments

F104 S. 263 repealed by Perjury Act 1911 (c. 6), Sch.

264 **F105**

Textual Amendments

F105 S. 264 repealed by Public Authorities Protection Act 1893 (c. 61), Sch.

265 Protection of local authority and their officers from personal liability.

No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever; and any expense incurred by any such authority member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to [^{F106}make any payment in pursuance of section 17 or 18 of the Audit Commission Act 1998].

Textual Amendments

F106 Words in s. 265 substituted (11.9.1998) by virtue of 1998 c. 18 ss. 54(1), 55(2), Sch. 3 para. 1

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Modifications etc. (not altering text)

- C22** S. 265 extended by [Public Health Act 1936 \(c. 49\)](#), [s. 305](#), [Control of Pollution Act 1974 \(c. 40\)](#), [s. 86\(1\)](#), [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [s. 39](#) and [National Health Service Act 1977 \(c. 49\)](#), [s. 125](#)
- C23** S. 265 extended (with modifications) by [1995 c. 25](#), [ss. 63\(5\)](#), [125\(2\)](#), [Sch. 7 para. 15](#) (with [ss. 7\(6\)](#), [115](#), [117](#))
- C24** S. 265 applied (with modifications) (22.7.2004) by [Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), [arts. 1](#), [19](#)
- C25** S. 265 applied (with modifications) (22.7.2004) by [Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), [arts. 1](#), [19](#)
- C26** S. 265 modified (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [ss. 69](#), [277\(1\)](#)

Notices

^{F107}266 Notices, &c. may be printed or written.

Notices orders and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the local authority, the signature thereof by the [^{F108}proper officer of the authority] shall be sufficient authentication.

Textual Amendments

- F107** S. 266 repealed by [Public Health Act 1936 \(c. 49\)](#), [s. 346](#), [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith
- F108** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 Pt. I para. 4\(1\)\(a\)](#)

^{F109}267 Service of notices.

Notices orders and any other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice order or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the “owner or “occupier of the premises (naming them) in respect of which the notice is given, without further name or description.

Textual Amendments

- F109** S. 267 repealed by [Public Health Act 1936 \(c. 49\)](#), [s. 346](#), [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

268 F110

Textual Amendments

F110 S. 268 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

Appeal

F111 269

Textual Amendments

F111 S. 269 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X Group 1](#).

PART VIII

ALTERATION OF AREAS AND UNION OF DISTRICTS

270 F112

Textual Amendments

F112 S. 270 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

271— F113

274.

Textual Amendments

F113 Ss. 271–274 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

275 F114

Textual Amendments

F114 S. 275 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#)

276 F115

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Textual Amendments

F115 S. 276 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 3 Pt. I**

277 **F116**

Textual Amendments

F116 S. 277 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 30**

278 **F117**

Textual Amendments

F117 S. 278 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

Union of Districts

279— **F118**
284.

Textual Amendments

F118 Ss. 279–284 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

F119 **285 Power to execute works in adjoining districts, and to combine for execution of works.**

Any local authority may, with the consent of the local authority of any adjoining district, execute and do in such adjoining district all or any of such works and things as they may execute and do within their own district, and on such terms as to payment or otherwise as may be agreed on between them and the local authority of the adjoining district; moreover two or more local authorities may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts or any part thereof. All moneys which any local authority may agree to contribute for defraying expenses incurred under this section shall be deemed to be expenses incurred by them in the execution of works within their district.

Textual Amendments

F119 S. 285 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

286 **F120**

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Textual Amendments

F120 S. 286 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

287— **F121**
290.

Textual Amendments

F121 Ss. 287–290 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

291 **F122**

Textual Amendments

F122 S. 291 repealed by [Public Health \(London\) Act 1891 \(c. 76\)](#), **Sch. 4**

292 **F123**

Textual Amendments

F123 S. 292 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

PART IX

LOCAL GOVERNMENT BOARD

Inquiries by Board

293, **F124**
294.

Textual Amendments

F124 Ss. 293, 294 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

F125 **295**

Textual Amendments

F125 S. 295 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. X Group 1**.

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

296 F126

Textual Amendments

F126 S. 296 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

Provisional Orders by Board

297 ^{x2} **As to provisional orders made by Local Government Board.**

With respect to provisional orders authorised to be made by [F127the Secretary of State] under this Act, the following enactments shall be made:—

- (1) [F127The Secretary of State] shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates:
- (2) Before making any such provisional order, [F127the Secretary of State] shall consider any objections which may be made thereto by any person affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:
- (3) [F127The Secretary of State] may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:
- (4) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:
- [F128](5) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, any Order in Council made in pursuance of any of the Sanitary Acts, and any order made under this Act and brought into operation in accordance with the provisions of the ^{M3}Statutory Orders (Special Procedure) Act 1945, may be repealed, altered or amended—
 - (a) in the case of an Act confirming a provisional order made under section 279 of this Act or an order amending such an Act, by an order made by the [F129Secretary of State] which shall be subject to special parliamentary procedure;
 - (b) in any other case, by a provisional order made by that Minister and confirmed by Parliament:]
- (6) [F127The Secretary of State] may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:
- (7) The making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

(8) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Editorial Information

X2 Unreliable marginal note

Textual Amendments

F127 Words substituted by virtue of [Ministry of Health Act 1919 \(c. 21\)](#), s. 3(1)(a), [Sch. 1 para. 1](#), S.I. 1951/142 (1951 I, p. 1348), arts. 3, 5(2), Sch. Pt. I, 1951/1900 (1951 I, p. 1347), art. 1, (W.) 1965/319, arts. 2(1), 10(1), Sch. 1 Pt. I and 1970/1681, arts. 2(1), 6(3)

F128 [S. 297\(5\)](#) substituted by [S.I. 1962/409](#), [art. 4\(1\)](#)

F129 Words substituted by virtue of [S.I. 1965/319](#), arts. 2(1), 10(1), [Sch. 1 Pt. I](#) and 1970/1681, arts. 2(1), 6(3)

Modifications etc. (not altering text)

C27 [S. 297](#) amended by [S.I. 1949/2393](#) (1949I, p. 3973), art. 2, Sch. 1 and 1962/409, arts. 3, 4

Marginal Citations

M3 [1945 c. 18 \(9 & 10 Geo. 6\)](#).

298 Costs of provisional orders.

The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by [^{F130}the Secretary of State], whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by [^{F130}the Secretary of State], the local authority may contract a loan for the purpose of defraying such costs.

Textual Amendments

F130 Words substituted by virtue of [Ministry of Health Act 1919 \(c. 21\)](#), s. 3(1)(a), [Sch. 1 para. 1](#), S.I. 1951/142 (1951 I, p. 1348), arts. 3, 5(2), Sch. Pt. I, 1951/1900 (1951 I, p. 1347), art. 1, (W.) 1965/319, arts. 2(1), 10(1), Sch. 1 Pt. I and 1970/1681, arts. 2(1), 6(3)

Modifications etc. (not altering text)

C28 [S. 298](#) excluded by [S.I. 1962/409](#), [art. 4\(2\)](#)

299— ^{F131}
302.

Textual Amendments

F131 [Ss. 299–302, 304](#) repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Powers of Board in relation to Local Acts, &c.

^{F132}303 Power to repeal and alter local Acts.

[^{F133}The Secretary of State] may, on the application of the local authority of any district, by provisional order, wholly or partially repeal alter or amend any local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as this Act.

Any such provisional order may provide for the extension of the provisions of the local Act referred to therein beyond the district or districts within the limits of such Act, or for the exclusion of the whole or a portion of any such district from the application of such Act; and may provide what local authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district.

Textual Amendments

F132 S. 303 repealed (a) in so far as it applies to any local enactment relating to water supply by [Water Act 1945 \(c. 42\), s. 62, Sch. 5](#) and (b) in so far as it applies to any matter to which [Weights and Measures Act 1963 \(c. 31\)](#) relates by that 1963 Act, s. 63(3); extended by [Public Health Act 1936 \(c. 49\), s. 317](#) and [Highways Act 1959 \(c. 25\), s. 289](#); restricted (Greater London) by [London Government Act 1963 \(c. 33\), s. 87\(7\)](#); amended by S.I. 1962/409, [art. 3](#)

F133 Words substituted by virtue of [Ministry of Health Act 1919 \(c. 21\), s. 3\(1\)\(a\), Sch. 1 para. 1, S.I. 1951/142 \(1951 I, p. 1348\), arts. 3, 5\(2\), Sch. Pt. I, 1951/1900 \(1951 I, p. 1347\), art. 1, \(W.\) 1965/319, arts. 2\(1\), 10\(1\), Sch. 1 Pt. I and 1970/1681, arts. 2\(1\), 6\(3\)](#)

Modifications etc. (not altering text)

C29 S. 303 extended by [Food Act 1984 \(c. 30, SIF 53:1\), s. 134, Sch. 9 para. 3\(1\)](#)

304 ^{F134}

Textual Amendments

F134 Ss. 299–302, 304 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), Sch. 2](#)

PART X

MISCELLANEOUS AND TEMPORARY PROVISIONS

Miscellaneous

^{F135}305 Entry on lands for purposes of Act.

Whenever it becomes necessary for a local authority or any of their officers to enter examine or lay open any lands or premises for the purpose of making plans surveying

Status: Point in time view as at 24/03/2009.

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measuring taking levels making keeping in repair or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them, the local authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the local authority to enter examine and lay open the said lands and premises for the purposes aforesaid or any of them.

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being made the local authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter examine or lay open the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

Textual Amendments

F135 S. 305 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

^{F136}**306 Penalty on obstructing execution of Act.**

Any person who wilfully obstructs any member of the local authority, or any person duly employed in the execution of this Act, . . . ^{F137} shall, . . . ^{F137} be liable for every such offence to a penalty not exceeding [^{F138}level 1 on the standard scale].

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding [^{F138}level 1 on the standard scale].

Textual Amendments

F136 S. 306 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F137 Words repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

F138 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

307 F139

Textual Amendments
F139 S. 307 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I

^{F140}308 Compensation in case of damage by local authority.

Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the local authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration^{F141} . . ., or if the compensation claimed does not exceed the sum of twenty pounds, the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

Textual Amendments
F140 S. 308 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith.
F141 Words in s. 308 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. X Group 1.

309 F142

Textual Amendments
F142 S. 309 repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), Sch. 2

310, F143
311.

Textual Amendments
F143 Ss. 310, 311 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt. I

312 F144

Textual Amendments
F144 S. 312 repealed by Local Government Act 1894 (56 & 57 Vict. c. 73), Sch. 2

313 F145

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Textual Amendments

F145 Ss. 313, 317, Sch. 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. IV

314, **F146**
315.

Textual Amendments

F146 Ss. 314, 315 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I

F147 **316 As to construction of incorporated Acts.**

In the construction of the provisions of any Act incorporated with this Act the term “the special Act includes this Act, and, in the case of the ^{M4}Lands Clauses Consolidation Acts 1845, ^{M5}1860, and ^{M6}1869, any order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term “the limits of the special Act means the limits of the district; and the urban or rural authority shall be deemed to be “the promoters of the undertaking, “the commissioners, or “the undertakers, as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act.

Textual Amendments

F147 S. 316 repealed by Public Health Act 1936 (c. 49), s. 346, Sch. 3 Pt. I except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

Marginal Citations

- M4** 1845 c. 16.
- M5** 1860 c. 106.
- M6** 1869 c. 116.

317 **F148**

Textual Amendments

F148 Ss. 313, 317, Sch. 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. IV

318 **F149**

Textual Amendments

F149 S. 318 repealed by Statute Law Revision Act 1883 (c. 39)

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

319, F150
320.

Textual Amendments
F150 Ss. 319, 320 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

321 F151

Textual Amendments
F151 S. 321 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

322 F152

Textual Amendments
F152 S. 322 repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

323 F153

Textual Amendments
F153 S. 323 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

324, F154
325.

Textual Amendments
F154 Ss. 324, 325 repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

PART XI

SAVING CLAUSES AND REPEAL OF ACTS

Saving Clauses

326 F155

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Textual Amendments

F155 S. 326 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. I](#)

^{F156}**327 Saving for works and property of certain authorities, and for navigation and water rights, &c.**

Nothing in this Act shall be construed to authorise any local authority—

- (1) To use injure or interfere with any sluices floodgate sewers groynes or sea defences or other works, already or hereafter made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used by any body of persons or person for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; or,
- (2) To disturb or interfere with any lands or other property vested in the [^{F157}Secretary of State for Defence] for the time being; or,
- (3) To interfere with any river canal dock harbour lock reservoir or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of any Act of Parliament entitled to navigate on or use such river canal dock harbour lock reservoir or basin, or to receive any tolls or dues in respect of the navigation thereon or use thereof; or,
- (4) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river canal dock harbour reservoir or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference; or,
- (5) To interfere with any bridges crossing any river canal dock harbour or basin, in cases where any body of persons or person are or is authorised by virtue of any Act of Parliament to navigate or use such river canal dock harbour or basin, or to demand any tolls or dues in respect of the navigation thereon or use thereof; or,
- (6) To execute any works in through or under any wharves quays docks harbours or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,—

Without the consent in every case of such . . . ^{F158} Secretary of State, commissioners, body of persons or person as are herein-before in that behalf respectively mentioned, such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a corporation under the hand of their clerk or other duly authorised officer or agent. And nothing in this Act shall prejudice or affect the rights privileges powers or authorities given or reserved to any person under such local or private Acts for draining preserving or improving land as are in this section mentioned.

Textual Amendments

F156 S. 327 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

F157 Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

F158 Words repealed by [S.I. 1964/488, Sch. 1 Pt. I](#)

^{F159}328 Reference to arbitration in case of works not within preceding section.

Where any matters or things proposed to be done by any local authority, and not being within the prohibition aforesaid, interfere with the improvement of any river canal dock harbour lock reservoir basin or towing-path which any body of persons or person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river canal dock harbour or basin, or with any land necessary for the enjoyment or improvement thereof, the local authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,)

- (1) Whether the matters or things proposed to be done by the local authority will cause any injury to such river canal dock harbour basin towing-path works or land, or to the enjoyment or improvement of such river canal dock harbour or basin as aforesaid:
- (2) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of being fully compensated by money.

Textual Amendments

F159 [S. 328](#) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

^{F160}329 Effect of arbitration.

The result of any such arbitration shall be final, and the local authority shall do as follows; (that is to say,)

- (1) If the arbitrators are of opinion that no injury will be caused, the local authority may forthwith proceed to do the proposed matters and things:
- (2) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and on payment of the amount so assessed, but not before, the local authority may proceed to do the proposed matters and things:
- (3) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the local authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

Textual Amendments

F160 [S. 329](#) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, [Sch. 3 Pt. I](#) except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

330— **F161**
337.

Textual Amendments

F161 Ss. 330–337 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I**

338 **F162**

Textual Amendments

F162 S. 338 repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

339 **F163**

Textual Amendments

F163 Ss. 339, 342 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

^{F164}**340**

Textual Amendments

F164 S. 340 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. X** Group1.

^{F165}**341 Powers of Act to be cumulative.**

All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament law or custom, and such other powers may be exercised in the same manner as if this Act had not passed;^{F166} . . .

Textual Amendments

F165 S. 341 repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. I** except so far as material for the purposes of any unrepealed enactment in this Act or any Act directed to be construed therewith

F166 Words in s. 341 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. X** Group1.

342 **F167**

Textual Amendments

F167 Ss. 339, 342 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

Status: Point in time view as at 24/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1875. (See end of Document for details)

Repeal of Acts

343 Repeal of Acts in schedule V.

... ^{F168} So much of the said Acts as is set forth in the third part of that schedule shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act.

... ^{F169}

Textual Amendments

F168 Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

F169 S. 343 proviso repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

Status:

Point in time view as at 24/03/2009.

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1875.