



Public Health Act 1875

1875 CHAPTER 55 38 and 39 Vict

PART IX **E+W**

LOCAL GOVERNMENT BOARD

Inquiries by Board

293,^{F1} **E+W**
294.

Textual Amendments

F1 Ss. 293, 294 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

^{F2}295 **E+W**

Textual Amendments

F2 S. 295 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. X Group 1**.

296^{F3} **E+W**

Textual Amendments

F3 S. 296 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. I**

Status: Point in time view as at 05/11/1993.

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

Provisional Orders by Board

297 ^{X1}As to provisional orders made by Local Government Board. **E+W**

With respect to provisional orders authorised to be made by [^{F4}the Secretary of State] under this Act, the following enactments shall be made:—

- (1) [^{F4}The 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, [^{F4}the 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) [^{F4}The 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:
- [^{F5}(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 ^{M1}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 [^{F6}Secretary 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) [^{F4}The 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:
- (8) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Editorial Information

X1 Unreliable marginal note

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Textual Amendments

- F4** 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)
- F5** [S. 297\(5\)](#) substituted by [S.I. 1962/409](#), [art. 4\(1\)](#)
- F6** Words substituted by virtue of [S.I. 1965/319](#), arts. 2(1), 10(1), [Sch. 1 Pt. 1](#) and 1970/1681, arts. 2(1), 6(3)

Modifications etc. (not altering text)

- C1** [S. 297](#) amended by [S.I. 1949/2393](#) (1949I, p. 3973), art. 2, Sch. 1 and 1962/409, arts. 3, 4

Marginal Citations

- M1** [1945 c. 18 \(9 & 10 Geo. 6\)](#).

298 Costs of provisional orders. **E+W**

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 [^{F7}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 [^{F7}the Secretary of State], the local authority may contract a loan for the purpose of defraying such costs.

Textual Amendments

- F7** 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)

- C2** [S. 298](#) excluded by [S.I. 1962/409](#), [art. 4\(2\)](#)

299— ^{F8} **E+W** 302.

Textual Amendments

- F8** [Ss. 299–302, 304](#) repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

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

^{F9}303 Power to repeal and alter local Acts. **E+W**

[^{F10}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

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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

- F9** 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](#)
- F10** 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)

- C3** S. 303 extended by [Food Act 1984 \(c. 30, SIF 53:1\), s. 134, Sch. 9 para. 3\(1\)](#)

304 ^{F11} **E+W**

Textual Amendments

- F11** Ss. 299–302, 304 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), Sch. 2](#)

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Changes to legislation:

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