



Public Health (Scotland) Act 1897

1897 CHAPTER 38 60 and 61 Vict

PART II

SANITARY PROVISIONS

Scavenging and Cleansing

38^{F1}

Textual Amendments

F1 S. 38 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, [Sch. 14](#)

39^{F2}

Textual Amendments

F2 S. 39 repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

40 **Houses in filthy state to be purified.**

Where it appears to any local authority that any house or part thereof, or any article of bedding or clothing therein, is in . . .^{F3} a filthy or unwholesome condition . . .^{F3} or that the whitewashing, cleansing or purifying of any house or part thereof, or any article of bedding or clothing therein, would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, or any such article, as the case may require.

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897, Cross Heading: Scavenging and Cleansing. (See end of Document for details)

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding [^{F4}£20] for every day during which he continues to make default; and the local authority may, if they think fit, cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

Textual Amendments

- F3** Words repealed by Housing, Town Planning, &c. (Scotland) Act 1919 (c. 60), s. 46
F4 Words substituted by virtue of [Criminal Justice Act 1967 \(c. 80\)](#), s. 92, [Sch. 3 Pt. I](#)

41 Provision for obtaining order for cleansing offensive ditches lying near to or forming boundaries of districts.

Where any watercourse or open ditch lying near to or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so as injuriously or dangerously to affect the district of such local authority, any sheriff having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district to appear to show cause why an order should not be made for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such sheriff to be necessary; and such sheriff, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such sheriff may seem reasonable.

Modifications etc. (not altering text)

- C1** [S. 41](#) amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, [Sch. 1 Pt. II para. 13](#)
[S. 41](#) amended (27.8.1993) by [1993 c. 12](#), ss. 40, 51(2), [Sch. 3 Pt. II para.11](#) (with ss. 42, 46).

42 Periodical removal of manure from mews and other premises.

Notice may be given by any local authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises, except cattle courts . . . ^{F5} and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the local authority direct, shall be liable without further notice to a penalty not exceeding [^{F6}£1] for each day during which such manure or other refuse matter is permitted to accumulate, and where . . . ^{F5} it appears to the [^{F7}proper officer of the local authority] that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matters ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within forty-eight hours from the service thereof, the manure, dung, soil, filth, or matter referred to shall be vested in and be sold and disposed of by the local authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this

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section; and the surplus (if any) shall be paid on demand to the owner of the matter removed, and the expenses of removal by the local authority of any such accumulation, if and so far as they are not covered by the sale thereof may be recovered by the local authority in a summary manner from the person to whom the accumulation belonged, whom failing, from the occupier or owner of the premises.

Textual Amendments

- F5** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27**
- F6** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**
- F7** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 17(2)(a)**

Modifications etc. (not altering text)

- C2** [S. 42](#) amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, **Sch. 1 Pt. II para. 13**
[S. 42](#) amended (27.8.1993) by [1993 c. 12](#), ss. 40, 51(2), **Sch. 3 Pt. II para.11** (with ss. 42, 46).

43 **F8**

Textual Amendments

- F8** [S. 43](#) repealed by [Food and Drugs \(Scotland\) Act 1956 \(c. 30\)](#), **Sch. 3**

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