



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART II

SANITARY PROVISIONS.

General Nuisances.

16 Definition of nuisances.

For the purposes of this Act,

- (1) Any premises or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health :
- (2) Any street, pool, ditch, gutter, watercourse, sink, cistern, watercloset, earth-closet, privy, urinal, cesspool, drain, dung-pit, or ashpit so foul or in such a state or so situated as to be a nuisance or injurious or dangerous to health:
- (3) Any well or water supply injurious or dangerous to health:
- (4) Any stable, byre, or other building in which any animal or animals are kept in such a manner or in such numbers as to be a nuisance or injurious or dangerous to health :
- (5) Any accumulation or deposit, including any deposit of mineral refuse, which is a nuisance or injurious or dangerous to health, or any deposit of offensive matter, refuse, or offal, or manure (other than farmyard manure or manure from byres or stables, or spent hops from breweries), within fifty yards of any public road wherever situated, or any offensive matter, refuse, or offal, or manure other than aforesaid contained in uncovered trucks or waggons standing or being at any station or siding or elsewhere on a railway or in canal boats so as to be a nuisance or injurious or dangerous to health:
- (6) Any work, manufactory, trade, or business, injurious to the health of the neighbourhood or so conducted as to be injurious or dangerous to health, or any collection of rags or bones injurious or dangerous to health:

Status: This is the original version (as it was originally enacted).

- (7) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates:
- (8) Any schoolhouse, or any factory which is not a factory subject to the provisions of the Factory and "Workshop Acts, 1878 to 1895, or any Act amending the same, with respect to cleanliness, ventilation, or overcrowding, and
- (i) is not kept in a cleanly state and free from effluvia arising from any drain, privy, watercloset, earth-closet, urinal, or other nuisance, or
 - (ii) is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or
 - (iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those therein employed:
- (9) Any fireplace or furnace situated within the limits of any burgh or special scavenging district which does not so far as practicable consume the smoke arising from the combustible matter used therein, for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever:
- (10) Any chimney (not being the chimney of a private dwellinghouse) sending forth smoke in such quantity as to be, a nuisance or injurious or dangerous to health: and
- (11) Any churchyard, cemetery, or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health ;
- shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act: Provided that—
- (a) a penalty shall not be imposed as herein-after provided on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business, trade, or manufacture, if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business, trade, or manufacture, and that the best available means have been taken for preventing injury or danger thereby to the public health; and
 - (b) in considering whether any dwelling-house or part thereof which is also used as a factory, or whether any factory, used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstances of such other use.