



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART II

#### SANITARY PROVISIONS.

##### *General Nuisances.*

#### **20 Notice requiring removal of nuisance.**

- (1) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act, the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the author of the nuisance, or, if such author cannot be found, on the occupier or owner of the premises on which the nuisance arises or continues, requiring him to remove the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and if the local authority think it desirable (but not otherwise) specifying any works to be executed.
- (2) The local authority may also by the same or another notice served on such occupier, owner, or person, require him to do what is necessary for preventing the recurrence of the nuisance, and, if they think it desirable, may specify any works to be executed for that purpose, and may serve that notice, notwithstanding that the nuisance may for the time have been removed, if the local authority consider that it is likely to recur on the same premises.
- (3) Provided that—
  - (a) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served on the owner;
  - (b) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the premises, the local authority may themselves remove the same, and may do what is necessary to prevent the recurrence thereof.