
Changes to legislation: There are currently no known outstanding effects for the London Government Act 1963, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 11

MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF PROVISIONS OF PUBLIC HEALTH ACTS

PART II

PROVISIONS REPRODUCED FROM ENACTMENTS RELATING TO PUBLIC HEALTH IN LONDON

Modifications etc. (not altering text)

C1 Sch. 11 Pt. II: power to transfer certain functions conferred by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 7(3)(c), 8(2)**

- 1 (1) Without prejudice to sections 259 and 262 of the ^{M1}Public Health Act 1936, but subject to the following provisions of this paragraph, if a local authority consider that in any premises a pond, pool, ditch, gutter or place containing, or used for the collection of, any drainage, filth, stagnant water or other matter is likely to be prejudicial to health or a nuisance, they may by notice require the owner or occupier of the premises to drain, cleanse, cover or fill up the pond, pool, ditch, gutter or place, or to construct a proper drain for the discharge of the matter, or to execute such other works as the circumstances may require.
- (2) The local authority may contribute towards the expenses incurred by any person in complying with a notice under this paragraph.
- (3) Where any works required by a notice under this paragraph interfere with any right to the use of water, the local authority may, with the agreement of the person in whom the right is vested, acquire from him the right and any land for the benefit of which the right enures, instead of compensating him under section 278 of the Public Health Act 1936.
- (4) The provisions of Part XII of the Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this paragraph.

Marginal Citations

M1 1936 c. 49.

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Textual Amendments

F1 Sch. 11 Pt. II paras. 2, 3 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

^{F24} Byelaws with respect to the construction and use of incinerators for the disposal of refuse in inner London boroughs and the City (being incinerators which are, or are in the nature of, buildings or structures or which form part of a building or structure) shall be made by the councils of those boroughs or the Common Council, as the case may be.

Textual Amendments

F2 Sch. 11 Pt. II para. 4 substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 9, [Sch. 6 para. 1](#)

5 It shall be the duty of each local authority to enforce in their district any byelaws under paragraphs 2 to 4 of this Part of this Schedule which are in force in their district.

Textual Amendments

F2 Sch. 11 Pt. II para. 4 substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 9, [Sch. 6 para. 1](#)

6 The council of any London borough and the Common Council may make byelaws with respect to the following operations, except when carried out by a local authority . . . ^{F3} and except so far as byelaws with respect thereto may be made under section 72 or 82 of the ^{M2}Public Health Act 1936, that is to say—

- (a) the removal of refuse from premises in the council's area;
- (b) the conveyance of refuse by rail, road or water from loading points in that area;
- (c) the deposit of refuse in premises in that area pending its removal or disposal.

Textual Amendments

F2 Sch. 11 Pt. II para. 4 substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 9, [Sch. 6 para. 1](#)

F3 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

Marginal Citations

M2 1936 c. 49.

7 Any person who has in his possession or under his control any article of food which is unsound, unwholesome or unfit for human consumption may, by notice to the local authority, specifying and identifying the article, request its removal, and the local authority shall cause it to be removed as if it were trade refuse which they had undertaken to remove under section 73(1) of the Public Health Act 1936.

Textual Amendments

F2 Sch. 11 Pt. II para. 4 substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 9, [Sch. 6 para. 1](#)

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F4

Textual Amendments

- F2** Sch. 11 Pt. II para. 4 substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 9, **Sch. 6 para. 1**
- F4** Sch. 11 Pt. II para. 8 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), ss. 78, 79, **Sch. 3**

- 9 (1) Where it appears to a local authority, being the council of a London borough or the Common Council, that any land within the area of the authority is by reason of its derelict, neglected or unsightly condition detrimental to the amenities of the neighbourhood, the authority may, after serving notice of their proposals on the owner and on the occupier of the land and subject to sub-paragraph (3) of this paragraph, execute such works and do such other things as the authority consider expedient for the purpose of restoring or improving and thereafter preserving the appearance of the land:

Provided that the works and other things which may be required to be executed or done under this paragraph shall not include the erection or maintenance of any building or the doing of anything in or upon any building, but may include the erection or maintenance of a hoarding or fence.

- (2) Any person served with a notice under the foregoing sub-paragraph may, if aggrieved by the proposal specified in the notice, appeal to a magistrates' court within the period of twenty-eight days beginning with the date of the service of the notice.
- (3) A local authority may proceed with the proposals specified in a notice under sub-paragraph (1) of this paragraph if but only if—
- (a) none of the persons on whom the notice was served has, within the said period of twenty-eight days, taken steps to implement the proposals himself or instituted an appeal against the proposals to a magistrates' court; or
 - (b) any such steps begun to be taken by any such person within that period are not completed within a reasonable time; or
 - (c) any appeal instituted within that period has been dismissed or abandoned or failed for want of prosecution.
- (4) Any expenses incurred by the local authority in removing any materials from any land in exercise of the powers conferred on them by this paragraph and the cost of selling any materials so removed may be deducted by the authority from the proceeds which they are required by section 276 of the ^{M3}Public Health Act 1936 to pay to the person to whom the materials belonged.
- (5) The foregoing provisions of this paragraph shall not be construed as prejudicing the powers exercisable by the Greater London Council under section 69 of the ^{M4}London Building Acts (Amendment) Act 1939, or by the council of an outer London borough under [^{F5}section 79 of the Building Act 1984], or by the local planning authority under section 89 of the National Parks and Access to the ^{M5}Countryside Act 1949.

Textual Amendments

- F2** Sch. 11 Pt. II para. 4 substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 9, **Sch. 6 para. 1**
- F5** Words substituted by Building Act 1984 (c. 55, SIF 15), s. 133(1), **Sch. 6 para. 10**

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Marginal Citations

M3 1936 c. 49.

M4 1939 c. xcvi.

M5 1949 c. 97.

- 10 Without prejudice to paragraph 24 of Part I of this Schedule, expressions used in this Part of this Schedule and the Public Health Act 1936 have the same meanings in this Part of this Schedule as in that Act.]

Textual Amendments

F2 Sch. 11 Pt. II para. 4 substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 9, **Sch. 6 para. 1**

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