



# Public Health Acts Amendment Act 1907

1907 CHAPTER 53 7 Edw 7

## PART I

### GENERAL

1 .....<sup>F1</sup>

#### Textual Amendments

**F1** S. 1 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

2 **Short title, construction, and extent of Act.**

- (1) This Act shall be construed as one with the Public Health Acts.
- (2) Part I of this Act shall extend to England and Wales and Ireland . . .<sup>F2</sup>
- (3) This Act may be cited as the Public Health Acts Amendment Act 1907 and this Act and the Public Health Acts may together be cited as the Public Health Acts 1875 to 1907.
- (4) Any byelaws made under any enactment for which any provisions of this Act are substituted shall remain in force as if the byelaws had been made under the corresponding provisions of this Act.
- (5) .....<sup>F3</sup>

#### Textual Amendments

**F2** Words repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#) and [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**F3** S. 2(5) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Public Health Acts Amendment Act 1907, Part I. (See end of Document for details)*

3 ..... F4

**Textual Amendments**  
F4 S. 3 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

4 ..... F5

**Textual Amendments**  
F5 Ss. 4, 5(2) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

**5 Enquiries by Local Government Board.**

- (1) [<sup>F6</sup>The Secretary of State] may direct any enquiries to be held by [<sup>F6</sup>his] inspectors which [<sup>F6</sup>he] may deem necessary in regard to the exercise of any powers conferred upon [<sup>F6</sup>him] under this Act . . . <sup>F7</sup>
- (2) ..... <sup>F8</sup>
- (3) The Secretary of State may order that a local enquiry be held in regard to the exercise of any powers conferred on him under this Act . . . <sup>F7</sup>

**Textual Amendments**  
F6 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; S.I. 1951/1900 (1951 I, p. 1347), art. 1, (W.); S.I. 1965/319, arts. 2(1), 10(1), [Sch. 1 Pt. I](#); and S.I. 1970/1681, [arts. 2\(1\)](#), 6(3)  
F7 Words repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)  
F8 Ss. 4, 5(2) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

**[<sup>F9</sup>6 Legal proceedings, &c.**

Offences under this Act or under any bylaw made under the powers of this Act or under the powers of the <sup>M1</sup>Public Health Act 1875 or any enactment amending or extending that Act, may be prosecuted, and penalties, forfeitures, costs, and expenses recovered, in like manner and subject to the same provisions as offences which may be prosecuted, and penalties, forfeitures, costs, and expenses which may be recovered, in a summary manner under the Public Health Acts.]

**Textual Amendments**  
F9 S. 6 repealed (E.W.) (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. X](#)  
**Marginal Citations**  
M1 [1875 c. 55](#).

*Changes to legislation: There are currently no known outstanding effects for the Public Health Acts Amendment Act 1907, Part I. (See end of Document for details)*

## 7 Appeals to quarter sessions, &c.

- (1) Except where this Act otherwise expressly provides any person aggrieved—
- (a) By any order, judgment, determination, or requirement of a local authority under this Act;
  - (b) By the withholding of any order, certificate, licence, consent, or approval, which may be made, granted, or given by a local authority under this Act;
  - <sup>F10</sup>(c) By any conviction or order of a court of summary jurisdiction under any provision of this Act;
- may appeal, . . . <sup>F11</sup> to [<sup>F12</sup>the Crown Court].]
- (2) . . . . . <sup>F13</sup>

### Textual Amendments

- F10** S. 7(1)(c) repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, **Sch. Pt. II**
- F11** Words repealed by S.I. 1971/1292, **Sch. 3**
- F12** Words substituted by virtue of Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**
- F13** Ss. 7(2), 15–20, 22 repealed (E.W.) by Highways Act 1959 (c. 25), **Sch. 25**

<sup>F14</sup>8 . . . . .

### Textual Amendments

- F14** S. 8 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 4

## 9 Byelaws.

[<sup>F15</sup>(1)] All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the <sup>M2</sup>Public Health Act 1875 and any enactment amended or extended by those sections shall apply to all byelaws from time to time made by a local authority under the provisions of this Act, provided that the Secretary of State shall be the confirming authority for byelaws made [<sup>F16</sup>by a local authority in England] under Part VII. (Police) of this Act.

[<sup>F17</sup>(2) Subsection (1) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.]

### Textual Amendments

- F15** S. 9 renumbered as s. 9(1) (E.) (3.3.2016) by The Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165), reg. 1(1), **Sch. 2 para. 3(2)**
- F16** Words in s. 9 inserted (E.W.) (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 4(2)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F17** S. 9(2) inserted (E.) (3.3.2016) by The Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165), reg. 1(1), **Sch. 2 para. 3(3)**

### Marginal Citations

- M2** 1875 c. 55.

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## 10 Compensation, how determined.

Where any compensation, costs, damages or expenses is or are by this Act directed to be paid, and the method for determining the amount thereof is not otherwise provided for, such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

## [<sup>F18</sup>11 Powers of Act cumulative.

All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

Nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not been passed, but no person shall be liable, except in the case of a daily penalty, to more than one penalty in respect of the same offence.]

### Textual Amendments

**F18** S. 11 repealed (E.W.) (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. X](#)

## 12 Crown rights.

Nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown, and in particular nothing herein contained authorises any local authority to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary, or any land, hereditaments, subjects, or right of whatsoever description belonging to His Majesty in right of His Crown, and under the management of [<sup>F19</sup>the Crown Estate Commissioners] or of the Board of Trade respectively, without the consent in writing of [<sup>F19</sup>the Crown Estate Commissioners] or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

### Textual Amendments

**F19** Words substituted by virtue of S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), art. 1, [Crown Estate Act 1956 \(c. 73\), s. 1\(1\)\(7\)](#) and [Crown Estate Act 1961 \(c. 55\), s. 1\(1\)](#), [Sch. 2 para. 4\(1\)](#)

### Modifications etc. (not altering text)

**C1** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)

## [<sup>F20</sup>13 Interpretation.

In this Act, if not inconsistent with the context,—

<sup>F21</sup>  
 . . .

The expression “daily penalty” means a penalty for each day on which an offence is continued after conviction therefor:

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The expressions “lands,” “premises,” “owner,” “street,” “house,” “drain,” and “sewer” have respectively the same meaning as in the Public Health Acts:

F22  
 . . . . . F23

Other expressions to which a special meaning is assigned by the <sup>M3</sup>Public Health Act 1875, have respectively the same meaning in this Act as they have in that Act.]

#### Textual Amendments

- F20** S. 13 repealed (E.W.) (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. X](#)
- F21** Definitions repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F22** Definitions repealed by [Food and Drugs Act 1938 \(c. 56\)](#), [Sch. 4 Pt. I](#) and [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F23** Definitions of “the commencement of this Part” and “the commencement of this section” repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

#### Marginal Citations

- M3** 1875 c. 55.

## 14 Application of Act to Ireland.

In the application of this Act to Ireland the following modifications shall have effect:—

- (1) This Act may be cited with the Public Health (Ireland) Acts, 1878 to 1900, as the Public Health (Ireland) Acts, 1878 to 1907:
- (2) A reference to a place of abode in England shall be construed to be a reference to a place of abode in Ireland:
- (3) The Local Government Board for Ireland shall be substituted for the Local Government Board:
- (4) The Chief Secretary shall be substituted for the Secretary of State:
- (5) The Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries:
- (6) The Dublin Gazette shall be substituted for the London Gazette:
- (7) A court of summary jurisdiction shall be substituted for a petty sessional court:
- (8) The <sup>M4</sup>Public Health (Ireland) Acts 1878 to 1900, shall be substituted for the Public Health Acts, the Public Health (Ireland) Acts 1878 to 1907, shall be substituted for the <sup>M5</sup>Public Health Acts 1875 to 1907, and the Public Health (Ireland) Act 1878, shall be substituted for the <sup>M6</sup>Public Health Act 1875, and in particular references in this Act to the sections of the Public Health Act 1875, mentioned in the first column of the schedule to this Act shall be construed as references to the corresponding sections of the <sup>M7</sup>Public Health (Ireland) Act 1878, mentioned in the second column of that schedule:
- (9) In subsection (2) of section seventy-four of this Act, the words “and the sanitary authority may” shall be substituted for the words “and the local authority may”:

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*Changes to legislation: There are currently no known outstanding effects for the Public Health Acts Amendment Act 1907, Part I. (See end of Document for details)*

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- (10) The provision with respect to section twenty-eight of the <sup>M8</sup>Town Police Clauses Act 1847, shall extend to section seventy-two of the <sup>M9</sup>Towns Improvement (Ireland) Act 1854.

**Marginal Citations**

**M4** 1878 c. 52.

**M5** 1875 c. 55.

**M6** 1875 c. 55.

**M7** 1878 c. 52.

**M8** 1847 c. 89.

**M9** 1854 c. 103.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Acts Amendment Act 1907, Part I.