



# Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

## PART II

### SANITATION AND BUILDINGS

#### *Filthy or verminous premises or articles*

#### **35 Filthy or verminous premises.**

- (1) Section eighty-three of the Public Health Act, 1936 (which relates to the cleansing of filthy or verminous premises), shall be amended as follows.
- (2) For subsection (1) of the said section eighty-three there shall be substituted the following subsections—

“(1) Where a local authority, upon consideration of a report from any of their officers, or other information in their possession, are satisfied that any premises—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health, or
- (b) are verminous,

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them, and the notice may require among other things the removal of wallpaper or other covering of walls, or, in the case of verminous premises, the taking of such steps as may be necessary for destroying or removing vermin.

(1A) A notice under the foregoing subsection may require—

- (a) the interior surface of premises used for human habitation or as shops or offices to be papered, painted or distempered, and
- (b) The interior surface of any other premises to be painted, distempered, or whitewashed,

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and shall allow the person on whom the notice is served, or the local authority acting in his default, to choose, in a case under paragraph (a) of this subsection, between papering, painting and distempering and, in a case under paragraph (b) of this subsection, between painting, distempering and whitewashing.”

- (3) At the end of the said section eighty-three there shall be added the following subsection—

“(4) This section shall not apply to any premises forming part of a factory or of a mine or a quarry within the meaning of the Mines and Quarries Act, 1954.”

- (4) This section shall not affect any notice given under the said section eighty-three before the commencement of this Act.

**Modifications etc. (not altering text)**

- C1** The text of s. 35 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**36 Power to require vacation of premises during fumigation.**

- (1) If a local authority serve a notice under subsection (3) of section eighty-three of the <sup>M1</sup>Public Health Act 1936 as amended by the last foregoing section, on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—
- (a) the notice to the occupier may also require that the premises shall, as from such date as may be specified in the notice, be vacated until the local authority give the occupier further notice that the premises can safely be reoccupied; and
  - (b) the local authority may also serve notice on the occupiers of any other premises having any floor, wall or ceiling contiguous with the first-mentioned premises, or into which there is reason to apprehend that the gas may penetrate, requiring that those other premises shall be vacated as aforesaid.
- (2) No person shall be required under this section to vacate any premises used for human habitation for any period unless alternative shelter or other accommodation has been provided for him by the local authority free of charge for that period; and any notice given under this section shall specify the alternative shelter or other accommodation so provided.
- (3) A person on whom a notice is served under this section may within the period of seven days from the date on which the notice was served on him appeal to a magistrates’ court, and the requirements included in the notice in pursuance of this section shall not take effect until the expiration of that period or, where an appeal is brought within that period, before the appeal is disposed of or withdrawn.

The provisions of this subsection as to the period within which an appeal shall be brought shall have effect notwithstanding anything in subsection (2) of section three hundred of the <sup>M2</sup>Public Health Act 1936 as applied to this Part of this Act.

- (4) So much of subsection (2) of the said section eighty-three as imposes a penalty for failure to comply with the requirements of a notice under that section shall also apply to the requirements included in the notice by virtue of this section.

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- (5) The local authority shall defray any reasonable expenses incurred in removing from and returning to any premises in compliance with a notice served under paragraph (b) of subsection (1) of this section, and may, if they think fit, defray any such expenses incurred in compliance with a notice under paragraph (a) of that subsection.

**Modifications etc. (not altering text)**

- C2** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 68(1)(a)**
- C3** S. 36: Certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), Sch. 2.  
S. 36 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch. 2**.  
s. 36 modified (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**
- C4** S. 36 modified (E.) (6.4.2010) by [Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Schs.**
- C5** S. 36 modified (E.) (6.4.2010) by [Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Schs.**
- C6** S. 36 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Schs.** (with art. 2)
- C7** S. 36 modified (E.) (6.4.2010) by [Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Schs.**
- C8** S. 36 modified (E.) (6.4.2010) by [Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Schs.**
- C9** S. 36 applied (with modifications) (E.) (24.3.2011) by [Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Schs. 2**
- C10** S. 36 functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, **Sch. 2**
- C11** S. 36 functions etc. assigned to the port health authority and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

**Marginal Citations**

- M1** 1936 c. 49.  
**M2** 1936 c. 49.

**37 Prohibition of sale of verminous articles.**

- (1) No dealer shall—
- prepare for sale, or
  - sell or offer or expose for sale, or
  - deposit with any person for sale or preparation for sale,
- any household article if it is to his knowledge verminous, or if by taking reasonable precautions he could have known it to be verminous.
- (2) If a household article which is verminous is on any premises—
- being prepared by a dealer for sale, or
  - offered or exposed by a dealer for sale, or
  - deposited by a dealer with any person for sale or preparation for sale.
- the medical officer of health or public health inspector may cause the article to be disinfested or destroyed as the case may require, and if necessary for that purpose to be removed from the premises; and the local authority may recover from the dealer the expenses reasonably incurred by the local authority in taking any action under this subsection.

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- (3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding [<sup>F1</sup>level 1 on the standard scale].
- (4) In this section—
- (a) “dealer” means a person who trades or deals in any household articles;
  - (b) “household article” means an article of furniture, bedding or clothing or any similar article;
  - (c) references to preparation for sale do not include references to disinfestation.

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**Textual Amendments**

**F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

**Changes to legislation:**

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