



Public Health Act 1961

1961 CHAPTER 64

PART II

SANITATION AND BUILDINGS

Building regulations

4 Power to make building regulations

- (1) The Minister shall have power to make regulations for all or any of the matters set out in sections sixty-one and sixty-two of the Public Health Act, 1936 (being the matters which local authorities can now regulate by building byelaws), and local authorities shall no longer have power to make building byelaws.

Regulations under this section shall be known as building regulations.

- (2) Any provision contained in building regulations may be made so as to apply generally, or in an area specified in the regulations, and the regulations may make different provision for different areas.
- (3) It shall be the function of every local authority to enforce building regulations in their district.
- (4) Local authorities shall, in relation to building regulations, have all such functions under sections sixty-four and sixty-five of the Public Health Act, 1936 (which confer power to pass plans, and to enforce building byelaws), as they have in relation to building byelaws; and building regulations shall provide in appropriate cases for the deposit of plans with local authorities, and for the giving of notices to local authorities.
- (5) Building regulations may include such supplemental and incidental provisions as appear to the Minister to be expedient.
- (6) If a person contravenes or fails to comply with any provision contained in building regulations he shall be liable to a fine not exceeding one hundred pounds and to a further fine not exceeding ten pounds for each day on which the default continues after he is convicted.

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- (7) The power of making building regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5 Application to building regulations of statutory provisions concerning building byelaws

- (1) Subject to the provisions of this section, for any reference—
- (a) to building byelaws as defined in section three hundred and forty-three of the Public Health Act, 1936, or
 - (b) to byelaws made under Part II of that Act with respect to buildings, works and fittings,
- which occurs in that Act or in any other Act, or in any instrument having effect under any Act, there shall be substituted a reference to building regulations.
- (2) Subsection (1) of this section shall not apply to the definition of building byelaws in section one hundred and eighty-nine of the Housing Act, 1957, but in subsection (4) of section twelve, subsection (2) of section twenty-nine and subsection (2) of section fifty-nine of that Act references to building byelaws shall include references to building regulations.
- (3) References to building regulations shall be included in any references to byelaws in any of the following enactments, that is to say—
- (a) Part XII of the Public Health Act, 1936, except section three hundred and twelve ; and
 - (b) section seventeen of the Restriction of Ribbon Development Act, 1935 (which authorises a local authority as a condition of approving building plans to require the provision of means of entrance and egress from buildings),
- and in subsection (2) of section ninety of the Public Health Act, 1936, for the references to byelaws there shall be substituted references to building regulations.

6 Relaxation of building regulations

- (1) Subject to the provisions of this section, if the Minister, on an application made in accordance with the provisions of this Act, considers that the operation of any requirement in building regulations would be unreasonable in relation to the particular case to which the application relates, he may, after consultation with the local authority, give a direction dispensing with or relaxing that requirement.
- (2) If building regulations so provide as regards any requirement contained in the regulations, the power to dispense with or relax that requirement under subsection (1) of this section shall be exercisable by the local authority (instead of by the Minister after consultation with the local authority) :
- Provided that any building regulations made by virtue of this subsection shall except applications made by local authorities and may except applications of any other description.
- (3) Building regulations may provide as regards any requirement contained in the regulations that the foregoing subsections of this section shall not apply.
- (4) An application under this section shall be in such form as may be prescribed by building regulations and shall contain such particulars as may be so prescribed.

- (5) The application shall be made to the local authority and, except where the power of giving the direction is exercisable by the local authority, the local authority shall at once transmit the application to the Minister and give notice to the applicant that it has been so transmitted.
- (6) An application by a local authority shall be made to the Minister.
- (7) The provisions of Part I of the First Schedule to this Act shall have effect as regards any application made under this section for a direction which will affect the application of building regulations to work which has been carried out before the making of the application.
- (8) Section sixty-three of the Public Health Act, 1936 (which is superseded by this section), shall cease to have effect.

7 Appeal against refusal by local authority to relax building regulations

- (1) If a local authority refuse an application to dispense with or relax any requirement in building regulations which they have power to dispense with or relax, the applicant may by notice in writing appeal to the Minister within one month from the date on which the local authority notify the applicant of their refusal.
- (2) If within a period of two months beginning with the date of an application, or within such extended period as may at any time be agreed in writing between the applicant and the local authority, the local authority do not notify the applicant of their decision on the application, subsection (1) of this section shall apply in relation to the application as if the local authority had refused the application and notified the applicant of their decision at the end of the said period.
- (3) The notice of appeal shall set out the grounds of appeal, and a copy of the notice of appeal shall be sent to the local authority.
- (4) The local authority on receiving a copy of the notice of appeal shall at once transmit to the Minister a copy of the application and a copy of all documents furnished by the applicant for the purposes of his application.
- (5) The local authority shall at the same time give to the Minister in writing any representations which they desire to make as regards the appeal, and shall send a copy to the appellant.
- (6) If the Minister allows the appeal he shall give such directions for dispensing with or relaxing building regulations as may be appropriate.

8 Advertisement of proposal to relax building regulations

- (1) Subject to the provisions of this section, not less than twenty-one days before the Minister or a local authority give a direction under section six of this Act, the Minister or, as the case may be, the local authority shall publish in a local newspaper circulating in the area where the site of the work in respect of which the application is made is situated a notice—
 - (a) indicating the situation and nature of the work and the requirement to be dispensed with or relaxed, and

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- (b) stating that representations with regard to the effect which the direction may have on public health or safety may be made by a date specified in the notice, being a date not less than twenty-one days from the date of the notice, and before publication of the notice the Minister or the local authority may, as a condition of entertaining the application, require the applicant to pay or undertake to pay the cost of publication.
- (2) If it appears to the Minister or the local authority that any effect which the direction may have on public health or safety will be limited to premises adjoining the site of the works, the Minister or, as the case may be, the local authority need not publish a notice under the foregoing subsection, but in that case shall give such a notice to the owner and occupier of those premises.
- (3) No notice need be published or given under this section where the work in respect of which the application is made affects only an internal part of a building.
- (4) The Minister may, instead of himself publishing or giving any notice under this section, require the local authority to give or publish the notice.
- (5) Before giving the direction the Minister or, as the case may be, the local authority shall consider any representations duly made in pursuance of a notice published or given under this section.
- (6) If, after a local authority have received representations under this section, they refuse the application to which the representations relate and an appeal is brought against their refusal, the local authority shall transmit to the Minister copies of those representations.

9 Consultation with Building Regulations Advisory Committee and other bodies

- (1) The Minister shall appoint a committee, to be known as the Building Regulations Advisory Committee, for the purpose of advising the Minister on the exercise of his power to make building regulations, and on other subjects connected with building regulations.
- (2) The Minister may pay such expenses incurred by members of the Building Regulations Advisory Committee as he may, with the approval of the Treasury, determine.
- (3) Before making any building regulations, the Minister shall consult the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned.

10 Minor amendments

- (1) In subsection (2) of section sixty-one of the Public Health Act, 1936 (which as amended by the foregoing provisions of this Act enables building regulations to include provisions as to the giving of notices and deposit of plans), the word " estimates" inserted by section fourteen of the Statistics of Trade Act, 1947, shall cease to have effect, together with subsections (1) and (2) of the said section fourteen.
- (2) In subsection (4) of section sixty-four of the Public Health Act, 1936 (which defines the period within which plans must be passed or rejected by the local authority), for the words from " one month " to the end of the subsection there shall be substituted the words " five weeks or such extended period (expiring not later than two months

from the deposit of the plans) as may before the expiration of the five weeks be agreed in writing between the person depositing the plans and the local authority " .

- (3) Section eighteen of the Ancient Monuments Consolidation and Amendment Act, 1913 (which gives power to relax byelaws), shall cease to have effect.
- (4) In subsection (1) of section seventy of the Public Health Act, 1936 (which requires local authorities to keep certain information available to the public), for the words from the beginning of the subsection to the words " appended thereto " there shall be substituted the words " Every local authority shall keep at their offices for inspection by the public at all reasonable times free of charge " .
- (5) For paragraph (c) of subsection (1) of the said section seventy there shall be substituted the following paragraph—
 - “(c) in a district in which there is in force a local Act containing provisions which impose any obligation or restriction as to the construction, nature or situation of buildings, a copy of those provisions of the local Act”.
- (6) Subsection (3) of section twenty-five and subsection (2) of section sixty-six of the Public Health Act, 1936 (which contain transitional provisions consequent upon the enactment of that Act), shall cease to have effect.

11 Building regulations: transitionals and consequential amendments

- (1) The provisions of this Part of this Act as regards building regulations shall have effect subject to the transitional provisions in Part II of the First Schedule to this Act.
- (2) The enactments specified in Part III of the First Schedule to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Part of this Act relating to building regulations.

Sewers, drains and sanitary conveniences

12 Contribution to cost of sewerage highway

- (1) Where a local authority—
 - (a) resolve to construct a sewer in a street or part of a street which is a highway maintainable at the public expense, and
 - (b) include in the resolution a declaration that the construction of the sewer will, in the opinion of the local authority, increase the value of premises fronting the street or that part of the street,the provisions of this section shall have effect as respects the recovery by the local authority of payments from the owners of those premises in respect of the construction of the sewer.
- (2) A notice of any such resolution shall be published by the local authority in a local newspaper circulating in their district; and the resolution shall come into operation for the purposes of this section on the date of the publication.
- (3) This section shall not authorise the recovery of any payment in respect of any sewer if the construction of the sewer is not complete at the expiration of the period of two years beginning with the date on which the resolution concerning the sewer comes into operation.

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- (4) This section shall not apply to any street or part of a street if at any time before the construction of the sewer there was in that street or part of a street a public sewer into which foul water could be discharged by virtue of section thirty-four of the Public Health Act, 1936 (which relates to the connection of premises with public sewers).
- (5) Subject to the provisions of this section, a payment shall be recoverable in respect of any premises fronting the street or part of the street in which the sewer is constructed—
 - (a) if a building is erected on those premises after the date on which the resolution comes into operation, and
 - (b) if that building is connected with the sewer for the purpose of discharging foul water.
- (6) Subject to the provisions of this section, the amount of the payment in respect of any premises shall be one-half of—
 - (a) the actual cost per yard of the sewer constructed in the street or part of the street, or
 - (b) the estimated cost per yard of a sewer having an internal diameter of nine inches constructed in the street or part of the street at a depth of seven feet, whichever is the less, multiplied by the extent in yards of the frontage to the street or part of the street of those premises.
- (7) If a payment has become recoverable under this section by reference to any length of frontage, no further payment shall be recoverable by reference to that length of frontage.
- (8) The local authority may, on the application of the owner of any premises in respect of which a payment is recoverable under this section, remit any part of that payment on the ground that by reason of the extent of the frontage of those premises the amount of the payment is disproportionate to the benefit received by those premises from the construction of the sewer; and if the owner is dissatisfied with the decision of the local authority upon his application, or if the local authority do not within one month of his application give him notice of their decision, he may appeal to a magistrates' court, and that court may direct that any part of the payment be remitted on the said ground.
- (9) Where any part of a payment has been remitted under the last foregoing subsection in respect of any premises, subsection (7) of this section shall not apply, but any further payment which may be recoverable by reference to the frontage of those premises shall not exceed the amount remitted, and, for the purposes of this subsection, that amount shall be treated as distributed proportionately over the length of that frontage.
- (10) This section shall apply to a sewer whether or not the sewer is constructed in the district of the local authority, but shall not authorise the recovery of any payment in respect of any premises situated outside that district.
- (11) If a local authority have entered into any agreement (whether before or after the date on which this section comes into force) for the construction of a sewer for the benefit of any premises, this section shall have effect as respects the recovery of any payment in respect of those premises subject to the terms of that agreement.
- (12) The provisions of the Second Schedule to this Act shall have effect in relation to this section.

13 Contribution to cost of sewer in land subsequently laid out as street

- (1) Where a local authority—
- (a) have, after the commencement of this Act, constructed a sewer in any land which has, after the construction of the sewer, been laid out as a street or as part of a street, and
 - (b) pass a resolution declaring that the construction of the sewer has, in the opinion of the local authority, increased the value of premises fronting the street or that part of the street,

the provisions of subsections (5) to (9) of the last foregoing section shall have effect as respects the recovery by the local authority of payments from the owners of those premises in respect of the construction of the sewer.

- (2) A notice of any such resolution shall be published by the local authority in a local newspaper circulating in their district; and the resolution shall come into operation for the purposes of this section on the date of publication.
- (3) Where compensation due to the owner of any land under section two hundred and seventy-eight of the Public Health Act, 1936, in respect of damage sustained by reason of the construction therein of the sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid, no payment shall be recoverable by virtue of this section in respect of any premises forming part of that land.
- (4) Subsections (10), (11) and (12) of the last foregoing section shall apply to this section.

14 Evasion of liability to contribute under two last foregoing sections

- (1) If on a complaint by a local authority it is shown to the satisfaction of a magistrates' court—
- (a) that any premises which do not front a street or part of a street have by reason of any transfer of land been severed from any other premises which do so front (whether at the time of the transfer or subsequently), and
 - (b) that but for the transfer a payment under either of the two last foregoing sections would be recoverable in respect of the premises so severed, and
 - (c) that the transfer was intended for the purpose of evading liability to make any such payment,

the court may make an order under this section.

- (2) An order under this section may direct that the premises so severed shall be deemed for the purposes of those sections to have a frontage to the street or part of the street of such extent in yards as may be specified in the order.
- (3) In this section " transfer " includes any disposal of land whether by way of sale, lease, exchange, gift or otherwise; and references to premises and to fronting shall be construed in the same manner as in the two last foregoing sections.

15 Recovery of cost of maintaining public sewers

In the proviso to subsection (1) of section twenty-four of the Public Health Act, 1936 (under which a local authority must, unless in their opinion immediate action is necessary, give seven days notice of any work for the maintenance of a sewer which is chargeable to owners of premises served by the sewer), for the words " unless in

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the opinion of the local authority immediate action is necessary, they " there shall be substituted the words " unless the medical officer of health or public health inspector certifies in writing to the local authority that immediate action is necessary, the local authority " .

16 Examination and testing of drains

The medical officer of health or public health inspector of a local authority may, as an officer of the local authority, exercise the powers conferred on the local authority by subsection (1) of section forty-eight of the Public Health Act, 1936 (which gives power to examine and test drains), without being empowered to act by the local authority.

17 Summary power to remedy stopped-up drains

(1) If it appears to the medical officer of health or public health inspector that on any premises a drain, private sewer, water-closet or soil pipe is stopped up, he may by notice in writing require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

(2) If the notice is not complied with, the local authority may themselves carry out the work necessary to remedy the defect and may, subject to the next following subsection, recover the expenses reasonably incurred in so doing from the person on whom the notice was served:

Provided that, where the expenses do not exceed two pounds, the local authority may, if they think fit, remit the payment of the expenses,

(3) In proceedings to recover expenses under this section the court may inquire—

- (a) whether any requirement contained in a notice served under this section was reasonable, and
- (b) whether the said expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings,

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

(4) The provisions of this section shall be without prejudice to section thirty-nine of the Public Health Act, 1936 (which empowers a local authority to serve notices as regards defective drains).

18 Power to repair drains and private sewers

(1) If it appears to a local authority that a drain or private sewer—

- (a) is not sufficiently maintained and kept in good repair, and
- (b) can be sufficiently repaired at a cost not exceeding fifty pounds,

the local authority may, after giving not less than seven days' notice to the person or persons concerned, cause the drain or sewer to be repaired, and, subject to the next following subsection, recover the expenses reasonably incurred in so doing, so far as they do not exceed fifty pounds, from the person or persons concerned, in

such proportions, if there is more than one such person, as the local authority may determine:

Provided that, where the expenses do not exceed two pounds, the local authority may, if they think fit, remit the payment of the expenses.

- (2) The provisions of subsection (1) of this section shall not authorise a local authority to carry out any works in land which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking:

Provided that the exemption conferred by this subsection shall not extend to houses, or to buildings used as offices or showrooms, other than buildings so used which form part of a railway station.

- (3) In proceedings to recover expenses under this section the court shall inquire whether the local authority were justified in concluding that the drain or private sewer was not sufficiently maintained and kept in good repair, and, if the court determines that the local authority were not so justified, the local authority shall not recover the expenses or any part of them.

- (4) Subject to the provisions of the last foregoing subsection, in proceedings to recover expenses under this section the court may inquire whether any apportionment by the local authority was fair, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not revise an apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

- (5) In this section " person concerned " means, in relation to a drain or private sewer, any person owning any premises drained by means of the drain or sewer and also, in the case of a sewer, the owner of the sewer.
- (6) The provisions of this section shall be without prejudice to section thirty-nine of the Public Health Act, 1936.

19 Disconnection of drains

- (1) Where any person—
- (a) reconstructs in the same or a new position a drain which communicates with a sewer or another drain, or
 - (b) executes any works to such a drain so as permanently to discontinue its use, or
 - (c) executes any works on premises served by such a drain so as permanently to discontinue its use,

he shall cause any drains or parts of drains thereby becoming disused or unnecessary to be disconnected and sealed at such points as the local authority may reasonably require.

- (2) Any question as to the reasonableness of any requirement of a local authority under this section shall be determined by a magistrates' court and the court may vary the requirement as it thinks fit.
- (3) No one shall be required under this section to carry out any work in land outside the premises served by the drain if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open

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of streets, the person undertaking the reconstruction of the drain or the execution of the works may break open any street for the purpose of complying with any requirement under this section.

- (4) Before a person complies with any requirement under this section he shall give at least forty-eight hours notice to the local authority, and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds.
- (5) A person who knowingly fails to comply with subsection (1) of this section shall be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for each day on which the default continues after he is convicted.
- (6) This section shall not apply in relation to anything done in the course of the demolition of a building, or of part of a building, being a demolition as respects which the local authority have power under section twenty-nine of this Act to serve a notice on the person undertaking the demolition.

20 Fine for improper construction or repair of water closets or soil pipes

- (1) If a watercloset, drain or soil pipe is so constructed or repaired as to be prejudicial to health or a nuisance, the person who undertook or executed the construction or repair thereof shall, unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care, be liable to a fine not exceeding twenty pounds.
- (2) A person charged with an offence under this section (hereafter in this section referred to as "the original defendant") shall, upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention, be entitled to have any other person, being his agent or servant, to whose act or default he alleges that the offence was due brought before the court at the time appointed for the hearing of the charge ; and—
 - (a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person, that other person may be convicted of the offence, and
 - (b) if the original defendant further proves that he used all due diligence to secure that the watercloset, drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance, he shall be acquitted of the offence.
- (3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—
 - (a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence, and
 - (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

21 Closet accommodation for separate dwellings

- (1) In subsection (1) of section forty-four of the Public Health Act, 1936 (paragraph (a) of which relates to the sufficiency of closet accommodation in buildings), after the said paragraph (a) there shall be added the following paragraph—

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- “(aa) that any part of a building, being a part which is occupied as a separate dwelling, is without sufficient closet accommodation ; or”
- (2) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the said Act against a notice under the said subsection (1) as amended by this section shall be—
- (a) that the need for the works to be executed under the notice would not, in whole or in part, arise but for the occupation of part of the building as a separate dwelling, and that the occupation of that part as a separate dwelling is a matter in respect of which the appellant has a cause of action, and
- (b) that the person against whom the appellant has a cause of action ought to contribute towards the expenses of executing the works.
- (3) Where the grounds on which an appeal under the said section two hundred and ninety is brought include the ground specified in subsection (2) of this section, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the contribution to be made by any such person towards the cost of the works, or as to the proportion in which any expenses which may be recoverable by the local authority are to be borne by the appellant and any such other person.

22 Power to cleanse or repair drains

A local authority may, on the application of the owner or occupier of any premises, undertake the cleansing or repair of any drains, waterclosets, sinks or gullies in or connected with the premises, and may recover from the applicant such reasonable charge, if any, for so doing as they think fit.

23 Loan of temporary sanitary conveniences

- (1) A local authority may, at the request of the occupier of any premises connected with a cesspool, sewer or drain on which any work of maintenance, improvement or repair which necessitates the disconnection of the water-closets or other sanitary conveniences provided for or in connection with the premises is to be carried out—
- (a) by a local authority, or
- (b) in pursuance of section thirty-nine of the Public Health Act, 1936, by the owner or occupier of the premises,
- supply on loan temporary sanitary conveniences in substitution for any waterclosets or other sanitary conveniences. so disconnected.
- (2) Subject to the following provisions of this section, the local authority may make reasonable charges for supplying, removing and cleansing any temporary sanitary conveniences lent under this section for more than seven days:
- Provided that the local authority may not make charges for the use of the temporary sanitary conveniences for the first seven days.
- (3) No charge may be made under subsection (2) of this section where the work is made necessary by a defect in a public sewer vested in and maintainable by the local authority (not being a length of sewer to which subsection (4) of this section applies).
- (4) Where the work is made necessary—

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- (a) by a defect in any length of a public sewer of a kind described in subsection (4) of section twenty-four of the Public Health Act, 1936 (which relates to sewers for the maintenance of which a local authority may make the owners of the premises served by the sewers pay), or
- (b) by a defect in any cesspool, private sewer or drain in respect of which the local authority have served a notice under section thirty-nine of the said Act,

no charge may be made under subsection (2) of this section but, if the temporary sanitary conveniences are provided for a period of more than seven days, the reasonable expenses of supplying, removing and cleansing them shall be recoverable from the owner of the premises:

Provided that the local authority may not recover charges for the use of the temporary sanitary conveniences for the first seven days.

- (5) In proceedings to recover expenses under the last foregoing subsection the court may inquire whether the said expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had notice of the proceedings and an opportunity of being heard.

Buildings and structures

24 Section 58 of Public Health Act, 1936, to apply to buildings constituting a danger to persons in streets

- (1) Subsection (1) of section fifty-eight of the Public Health Act, 1936 (which empowers a local authority to deal with any building which is dangerous to those in the building or on any adjoining premises), shall also apply to any building which is dangerous to persons in a street and accordingly in paragraph (a) of that subsection the words from " to persons in the building " to " adjoining premises " shall cease to have effect.
- (2) Subsections (1) and (2) of section one hundred and forty-five of the Highways Act, 1959 (which, as regards buildings dangerous to those using streets, gives local authorities a power corresponding to that in section fifty-eight of the Public Health Act, 1936), shall cease to have effect.

25 Emergency measures to deal with dangerous buildings

- (1) If it appears to a local authority that a building or structure, or part of a building or structure, is in such a state, or is used to carry such loads, as to be dangerous and that immediate action should be taken to remove the danger, they may take such steps as may be necessary for that purpose.
- (2) Before exercising their powers under this section the local authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building, or of the premises on which the structure is situated.
- (3) Subject to the provisions of this section, the local authority may recover from the owner the expenses reasonably incurred by them under this section.

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- (4) So far as expenses incurred by the local authority under this section consist of expenses of fencing off the building or structure, or arranging for it to be watched, the expenses shall not be recoverable in respect of any period—
- (a) after the danger has been removed by other steps under this section, or
 - (b) after an order made under section fifty-eight of the Public Health Act, 1936, for the purpose of its removal has been complied with or has been executed as mentioned in subsection (2) of that section.
- (5) In proceedings to recover expenses under this section the court shall inquire whether the local authority might reasonably have proceeded instead under subsection (1) of the said section fifty-eight, and, if the court determines that the local authority might reasonably have proceeded instead under the said subsection (1), the local authority shall not recover the expenses or any part of them.
- (6) Subject to the provisions of the last foregoing subsection, in proceedings to recover expenses under this section the court may inquire whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:
- Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.
- (7) Where in consequence of the exercise of the powers conferred by this section the owner or occupier of any premises sustains damage but subsection (1) of section two hundred and seventy-eight of the Public Health Act, 1936, does not apply because the owner or occupier has been in default, the owner or occupier may apply to a magistrates' court to determine whether the local authority were justified in exercising their powers under (this section so as to occasion the damage sustained ; and, if the court determines that the local authority were not so justified, the owner or occupier shall be entitled to compensation, and subsection (2) of section two hundred and seventy-eight of the Public Health Act, 1936, shall apply in relation to any dispute as regards compensation arising under this subsection.
- (8) The surveyor of a local authority may, as an officer of the local authority, exercise the powers conferred on the local authority by subsection (1) of this section without being empowered to act by the local authority.
- (9) The foregoing provisions of this section shall not apply to any premises forming part of a mine or quarry within the meaning of the Mines and Quarries Act, 1954.
- (10) Subsection (3) of section fifty-eight of the Public Health Act, 1936, and subsection (3) of section one hundred and forty-five of the Highways Act, 1959, shall cease to have effect.

26 Defective premises

- (1) If it appears to a local authority that—
- (a) any premises are in such a state (in this section referred to as a " defective state ") as to be prejudicial to health or a nuisance, and

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- (b) unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by sections ninety-three to ninety-five of the Public Health Act, 1936,

the local authority may serve on the person on whom it would have been appropriate to serve an abatement notice under the said section ninety-three (if the local authority had proceeded under that section) a notice stating that the local authority intend to remedy the defective state and specifying the defects which they intend to remedy.

- (2) Subject to the next following subsection, the local authority may, after the expiration of nine days after service of a notice under the foregoing subsection, execute such works as may be necessary to remedy the defective state and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.
- (3) If, within seven days after service of a notice under subsection (1) of this section, the person on whom the notice was served serves a counter-notice that he intends to remedy the defects specified in the first-mentioned notice, the local authority shall take no action in pursuance of the first-mentioned notice unless the person who served the counter-notice either—
- (a) fails within what seems to the local authority a reasonable time to begin to execute works to remedy the said defects, or
- (b) having begun to execute such works fails to make such progress towards their completion as seems to the local authority reasonable.
- (4) In proceedings to recover expenses under this section the court—
- (a) shall inquire whether the local authority were justified in concluding that the premises were in a defective state, or that unreasonable delay in remedying the defective state would have been occasioned by following the procedure prescribed by sections ninety-three to ninety-six of the Public Health Act, 1936, and
- (b) if the defendant proves that he served a counter-notice under subsection (3) of this section, shall inquire whether the defendant failed to begin the works to remedy the defects within a reasonable time, or failed to make reasonable progress towards their completion,

and if the court determines—

- (i) that the local authority were not justified in either of the conclusions mentioned in paragraph (a) of this subsection, or
- (ii) that there was no failure under paragraph (b) of this subsection,

the local authority shall not recover the expenses or any part of them.

- (5) Subject to the provisions of the last foregoing subsection, in proceedings to recover expenses under this section the court may inquire whether the said expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

- (6) A local authority shall not serve a notice under this section, or proceed with the execution of works in accordance with a notice so served, if the execution of the works

would, to their knowledge, be in contravention of a building preservation order under section twenty-nine of the Town and Country Planning Act, 1947.

- (7) The power conferred on a local authority by subsection (1) of this section may be exercised notwithstanding that the local authority might instead have proceeded under section nine of the Housing Act, 1957.

27 Ruinous and dilapidated buildings and neglected sites

- (1) If it appears to a local authority that a building or structure is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood, the local authority may by notice require the owner thereof—
- (a) to execute such works of repair or restoration, or
 - (b) if he so elects, to take such steps for demolishing the building or structure, or any part thereof, and removing any rubbish or other material resulting from or exposed by the demolition,
- as may be necessary in the interests of amenity.
- (2) If it appears to a local authority that rubbish or other material resulting from, or exposed by, the demolition or collapse of a building or structure is lying on the site or on any adjoining land, and that by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood, the local authority may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.
- (3) 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 section, and in the application of section two hundred and ninety of that Act to a notice given under subsection (1) of this section—
- (a) subsection (2) shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material, and
 - (b) subsection (6) shall be construed as authorising the local authority to execute, subject to the provisions of that subsection, at their election either the works of repair or restoration, or the works of demolition and removal of rubbish or material.
- (4) The foregoing provisions of this section shall not apply to any advertisement as defined in subsection (1) of section one hundred and nineteen of the Town and Country Planning Act, 1947.
- (5) Paragraph (b) of subsection (1) of section fifty-eight of the Public Health Act, 1936, shall cease to have effect except as regards proceedings instituted under that paragraph before the commencement of this Act.

28 New building overreaching adjacent chimneys

- (1) Where after the commencement of this Act—
- (a) any person erects or raises a building (in this section referred to as the " taller building ") to a greater height than an adjoining building, and
 - (b) any chimneys or flues of an adjoining building are in a party wall between the two buildings or are six feet or less from the nearest part of the taller building,
- the local authority may by notice—

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- (i) require that person, within such time as may be specified in the notice, to build up those chimneys and flues, if it is reasonably practicable so to do, so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building, whichever is the higher, and
- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him:

Provided that, if the said owner or occupier, within fourteen days from the date of service of the notice on him, serves on the first-mentioned person and on the local authority a notice (in this section referred to as a " counter-notice ") that he elects to carry out the work himself, the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and may recover the expenses reasonably incurred in so doing from, that person.

- (2) Any person on whom a notice is served under paragraph (i) or paragraph (ii) of the foregoing subsection may appeal to a magistrates' court.
- (3) If—
 - (a) any person on whom a notice is served under paragraph (i) of subsection (1) of this section fails to comply with the notice, except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building, or has refused to allow the carrying out of any such work as may be necessary to comply with the notice, or has served a counter-notice, or
 - (b) any person on whom a notice is served under paragraph (ii) of subsection (1) of this section fails to comply with the notice or, having served a counter-notice, fails to comply with the notice served under paragraph (i) of that subsection,
 he shall be liable to a fine not exceeding twenty pounds; and the local authority may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (i), and recover the expenses reasonably incurred in so doing from the person on whom that notice was served.

29 Powers of local authority in relation to demolitions

- (1) Subject to the provisions of this section, a local authority may serve a notice under this section on any person who undertakes the demolition of the whole or of part of a building.
- (2) Subsection (1) of this section shall not apply to the demolition—
 - (a) of an internal part of a building where the building is occupied, and it is intended that it should continue to be occupied, or
 - (b) of a building which has a cubic content (as ascertained by external measurement) of not more than one thousand seven hundred and fifty cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building, of that greenhouse, conservatory, shed or prefabricated garage, or
 - (c) without prejudice to the last foregoing paragraph, of an agricultural building (as defined in section two of the Rating and Valuation (Apportionment) Act, 1928) unless it is contiguous to another building which is not itself of a kind mentioned in this or the last foregoing paragraph.
- (3) No person shall undertake a demolition to which subsection (1) of this section applies unless a notice specifying the building and the works of demolition intended to be

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carried out has been given to the local authority; and a person contravening this subsection shall be liable to a fine not exceeding five pounds:

Provided that notice need not be given under this subsection of a demolition undertaken to comply with any requirement contained in—

- (a) a notice, order or other instrument issued by, or on the application of, the local authority in pursuance of any power conferred by or under an Act of Parliament, or
- (b) an injunction or other direction given in legal proceedings brought by the local authority,

except where compliance with the requirement is effected, at the election of the person complying with it, either by undertaking the demolition or by taking some other steps.

- (4) The time within which a notice may be served under subsection (1) of this section shall be—
 - (a) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and
 - (b) in the case of a demolition undertaken to comply with a requirement contained in a demolition order or clearance order under the Housing Act, 1957, at any time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order or clearance order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and
 - (c) in any other case, within six weeks from the beginning of the demolition.
- (5) A notice under subsection (1) of this section may require the person undertaking the demolition to take action under all or any of the following paragraphs, that is to say—
 - (a) to shore up adjacent buildings,
 - (b) to weatherproof any surfaces of an adjacent building which are exposed by the demolition,
 - (c) to remove material or rubbish resulting from the demolition and clearance of the site,
 - (d) to disconnect and seal, at such points as the local authority may reasonably require, any sewer, drain or water pipe in or under the building to be demolished,
 - (e) to remove any such sewer, drain or water pipe and seal any sewer, drain or water pipe with which the sewer, drain or pipe to be removed is connected, and
 - (f) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (d) or paragraph (e) of this subsection.
- (6) No one shall be required under paragraph (d) or paragraph (e) of subsection (5) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.
- (7) Nothing in subsection (5) of this section shall be construed as exempting any person from the obligation to obtain any consent required under section sixty-eight of the

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Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus), or under any similar enactment.

- (8) Before a person complies with any requirement under paragraph (d) or paragraph (e) of subsection (5) of this section he shall give at least forty-eight hours notice to the local authority, and before he complies with paragraph (f) of that subsection, he shall give at least twenty-four hours notice to the local authority ; and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds.
- (9) 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 subsection (1) of this section.
- (10) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under subsection (1) of this section shall be—
 - (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up, and
 - (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.
- (11) Where the grounds on which an appeal under the said section two hundred and ninety is brought include any ground specified in the last foregoing subsection, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne as between the appellant and any such other person.
- (12) This section shall not apply to a demolition begun before the commencement of this Act.

30 Cellars and rooms below subsoil water level

- (1) No person shall without the consent of the local authority construct any cellar or room in, or as part of, a house, shop, inn, hotel or office if the floor level of the cellar or room is lower than the ordinary level of the subsoil water on, under or adjacent to the site of the house, shop, inn, hotel or office.
- (2) A consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein; and conditions specified therein shall be binding on successive owners of the house, shop, inn, hotel or office.
- (3) If a local authority refuse an application for consent under this section or attach any conditions to a consent under this section the person applying for the consent may appeal to a magistrates' court against their refusal or, as the case may be, against any such condition; and if a magistrates' court allow an appeal against a refusal to grant a consent they may direct the local authority to give their consent subject to such conditions, if any, as appear to the court to be appropriate.

- (4) An application may be made at any time to the local authority for the variation or withdrawal of any condition attached to a consent under this section, and, if the local authority refuse the application, the applicant may appeal to a magistrates' court.
- (5) If any person constructs a cellar or room in contravention of subsection (1) of this section, or of any condition attached to a consent under this section—
 - (a) he shall be liable to a fine not exceeding twenty pounds; and
 - (b) the local authority may by notice require him either to alter the cellar or room so that its construction will no longer contravene the said subsection or condition or, if he so elects, to fill it in or otherwise make it unusable.
- (6) 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 the last foregoing subsection, and in the application of section two hundred and ninety of that Act to such a notice—
 - (a) subsection (2) shall be construed as requiring the notice to indicate both the nature of the works of alteration and the works for making the cellar or room unusable, and
 - (b) subsection (6) shall be construed as authorising the local authority to execute, subject to the provisions of that subsection, at their election either the works of alteration or the works for making the cellar or room unusable.
- (7) If the owner for the time being of the house, shop, inn, hotel or office causes or permits a cellar or room forming part of it to be used in a manner which he knows to be in contravention of any condition attached to a consent under this section he shall be liable to a fine not exceeding twenty pounds.
- (8) Subsection (1) of this section shall not apply to the construction of a cellar or room carried out in accordance with plans deposited on an application under the Licensing Act, 1953, to licensing justices on which they made a provisional grant of a justices' licence for the premises of which the cellar or room forms part, or made a provisional grant of a removal of a justices' licence to those premises.
- (9) Nothing in this section shall apply to the construction of any cellar or room in connection with a shop, inn, hotel or office which forms part of a railway station.

31 Food storage accommodation in new houses

- (1) Where plans—
 - (a) for the erection of a house, or of a building part of which is intended to be occupied as a separate dwelling, or
 - (b) of any works involving the conversion of a building into a house or into separate dwellings, or the conversion of part of a building into a separate dwelling,

have been deposited with a local authority in pursuance of building byelaws or building regulations, the local authority may, subject to the provisions of this section, reject the plans if they do not show that the house, or, as the case may be, each separate dwelling, will be provided with sufficient and suitable accommodation for the storage of food, or sufficient and suitable space for the provision of such accommodation by the occupier.

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- (2) If the local authority reject the plans under this section, the person by whom the plans were deposited may appeal to a magistrates' court, and if the magistrates' court allow the appeal they shall direct the local authority to allow the plans under this section.

32 Food storage accommodation in existing houses

- (1) If it appears to a local authority that any house, or any part of a building which is occupied as a separate dwelling, is without sufficient and suitable accommodation for the storage of food, the local authority may by notice require the owner of the house or building to provide the house or building with sufficient and suitable accommodation for that purpose.
- (2) 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 under this section.
- (3) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under this section shall be that it is not reasonably practicable to comply with the notice.
- (4) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under this section shall be—
- (a) that the need for the works to be executed under the notice would not, in whole or in part, arise but for the occupation of part of the building as a separate dwelling, and that the occupation of that part as a separate dwelling is a matter in respect of which the appellant has a cause of action, and
 - (b) that the person against whom the appellant has a cause of action ought to contribute towards the expenses of executing the works.
- (5) Where the grounds on which an appeal under the said section two hundred and ninety is brought include the ground specified in subsection (4) of this section, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the contribution to be made by any such person towards the cost of the works, or as to the proportion in which any expenses which may be recoverable by the local authority are to be borne by the appellant and any such other person.

33 Provision of bathrooms

- (1) Where plans—
- (a) for the erection of a house, or of a building part of which is intended to be occupied as a separate dwelling, or
 - (b) of any works involving the conversion of a building into a house or into separate dwellings, or the conversion of part of a building into a separate dwelling,

have been deposited with a local authority in pursuance of building byelaws or building regulations, the local authority may, subject to the provisions of this section, reject the plans if they do not show that the house, or as the case may be, each separate dwelling, will be provided with a bathroom containing either a fixed bath or a shower

bath, and a suitable installation for the provision of hot and cold water to the bath or shower bath.

- (2) If the local authority reject the plans under this section, the person by whom the plans were deposited may appeal to a magistrates' court, and if the magistrates' court allow the appeal they shall direct the local authority to allow the plans under this section.

Accumulations of rubbish

34 Accumulations of rubbish

- (1) If it appears to a local authority that there is on any vacant site in a built-up area an accumulation of rubbish which is seriously detrimental to the amenities of the neighbourhood, the local authority may, subject to the provisions of this section, take such steps for removing the rubbish as they may consider necessary in the interests of amenity.
- (2) Not less than twenty-eight days before taking any action under this section, the local authority shall serve on the owner and occupier of the site a notice stating the steps which they propose to take and giving particulars of the following provisions of this subsection ; and a person on whom the notice is served and any other person having an interest in the land may within twenty-eight days from the service of the notice—
- (a) serve a counter-notice on the local authority stating that he intends to take those steps himself; or
 - (b) appeal to a magistrates' court on the ground that the local authority were not justified in concluding that action should be taken under this section, or that the steps proposed to be taken are unreasonable.
- (3) If a counter-notice is served under the last foregoing subsection, the local authority shall take no further action in the matter under this section unless the person who served the counter-notice either—
- (a) fails within what seems to the local authority a reasonable time to begin to take the steps stated in the notice, or
 - (b) having begun to take those steps fails to make such progress towards their completion as seems to the local authority reasonable.
- (4) If an appeal is brought under subsection (2) of this section, the local authority shall take no further action in the matter under this section until the appeal is finally determined or withdrawn ; and on the hearing of the appeal the court may direct the local authority to take no further action or may permit the local authority to take such steps as the court may direct or may dismiss the appeal.
- (5) In this section " rubbish" means rubble, waste paper, crockery and metal, and any other kind of refuse (including organic matter), but does not include any material accumulated for, or in the course of, any business.

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.

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(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 the 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,

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 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.

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 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 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.
- (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 sub-Section (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.

37 Prohibition of sale of verminous articles

- (1) No dealer shall—
- (a) prepare for sale, or
 - (b) sell or offer or expose for sale, or
 - (c) 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—
- (a) being prepared by a dealer for sale, or
 - (b) offered or exposed by a dealer for sale, or
 - (c) 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.
- (3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.
- (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.