



# Public Health Act 1961

## 1961 CHAPTER 64

### PART VI

#### MISCELLANEOUS

#### 72 Discharge of steam

In paragraph (d) of subsection (1) of section ninety-two of the Public Health Act, 1936 (under which dust or effluvia caused in any trade or business is a statutory nuisance if it is prejudicial to the health of, or a nuisance to, the local inhabitants), the reference to effluvia shall include a reference to any spent or ejected steam so, however, that this section shall not be taken as applying to steam ejected by a railway locomotive.

#### 73 Derelict petrol tanks

- (1) Where a fixed tank or other fixed container which has been used for the storage of petroleum spirit, and is no longer used for that purpose, is kept on any premises, the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from the container.
- (2) An officer of the local authority duly authorised by them may, on producing, if so required, some duly authenticated document showing his authority, require the occupier of premises on which there is any tank or other container to which subsection (1) of this section applies to show it to him and permit him to ascertain whether steps have been taken to comply with the provisions of this section.
- (3) The local authority may by notice require the occupier of the premises to take any steps reasonably necessary to prevent danger from any tank or other container to which subsection (1) of this section applies.
- (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 under subsection (3) of this section, and shall so apply as if this section were contained in that Act.

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- (5) This section shall apply in relation to premises which are unoccupied with the substitution for the references to the occupier of the premises of references to their owner (as defined in subsection (1) of section three hundred and forty-three of the Public Health Act, 1936); and this section shall not apply to premises situated within the jurisdiction of a harbour authority (as defined in section twenty-three of the Petroleum (Consolidation) Act, 1928).
- (6) In this section the expression "petroleum spirit" has the same meaning as in the said Act of 1928.

#### **74 Power to reduce numbers of pigeons and other birds in built-up areas**

- (1) Subject to the provisions of this section, a local authority shall have power to take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation in any built-up area of house doves or pigeons or of starlings or sparrows.
- (2) Nothing in section twenty-three of the Larceny Act, 1861, or in any other provision in that Act, shall prevent a local authority, in exercise of their powers under this section, from taking any reasonable steps to seize or destroy, or sell or otherwise dispose of, any house doves or pigeons which in their belief have no owner.
- (3) A local authority acting under this section shall take all reasonable precautions to ensure that the seizure and destruction of any birds are carried out humanely.
- (4) It is hereby declared that this section does not authorise a local authority to do anything in contravention of the Protection of Birds Act, 1954.

#### **75 Byelaws as to pleasure fairs and roller skating rinks**

- (1) A local authority may make byelaws—
- (a) for regulating the hours during which pleasure fairs and roller skating rinks may be open to the public;
  - (b) for securing safe and adequate means of ingress to, and egress from, any pleasure fair or roller skating rink ;
  - (c) for the prevention and suppression of nuisances, and the preservation of sanitary conditions, cleanliness, order and public safety, at any pleasure fair or roller skating rink;

and it shall be the duty of the local authority to enforce byelaws made by them under this section.

- (2) In this section—
- (a) "pleasure fair" means any place—
    - (i) which is for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any entertainment to which this section applies, and
    - (ii) for admission to which, or for the use of the contrivances in which, a charge is made ;
  - (b) "roller skating rink " means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.

- (3) Subject to the provisions of the next following subsection, the entertainments to which this section applies are the following:—
- (a) circuses;
  - (b) exhibitions of human beings or of performing animals;
  - (c) merry-go-rounds, roundabouts, swings, switchback railways;
  - (d) coco-nut shies, hoop-las, shooting galleries, bowling alleys;
  - (e) dodgems or other mechanical riding or driving contrivances;
  - (f) automatic or other machines intended for entertainment or amusement;
  - (g) anything similar to any of the foregoing.
- (4) Nothing in this section, or the byelaws made thereunder, shall apply to—
- (a) a fair held by statute, royal charter, royal licence, letters patent or ancient custom, or
  - (b) a place owned by, or under the management and control of, an authority having power to make byelaws with respect to entertainments provided at that place.
- (5) Different byelaws may be made under this section for pleasure fairs and roller skating rinks and for different kinds of pleasure fairs.
- (6) Section two hundred and eighty-seven of the Public Health Act, 1936 (which relates to powers of entry), shall have effect as if this section were contained in that Act.
- (7) Section thirty-eight of the Public Health Acts Amendment Act, 1890 (under which byelaws may be made for the prevention of danger from roundabouts, swings and shooting galleries), shall cease to have effect, but any byelaws under that section in force at the commencement of this Act shall continue in force and may be revoked at any time as if they had been made under this section.
- (8) The Secretary of State shall be the confirming authority as respects byelaws under this section, and the Secretary of State shall not confirm any byelaw under this section unless he is satisfied that all bodies which appear to him to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies have been consulted on the matters dealt with by the byelaw.

## **76 Byelaws as to seaside pleasure boats**

- (1) For the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore, a local authority may make byelaws—
- (a) regulating the speed of pleasure boats;
  - (b) regulating the use of pleasure boats so as to prevent their navigation in a dangerous manner or without due care and attention or without reasonable consideration for other persons;
  - (c) requiring the use of effectual silencers on pleasure boats propelled by internal combustion engines.
- (2) The Secretary of State shall be the confirming authority as respects byelaws made under this section.
- (3) Any byelaw may be made under this section so as to have effect not only within the district of the local authority but also within a distance seaward from that district not exceeding one thousand yards from low-water mark of ordinary spring tides; and any

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offence against any such byelaw committed within that distance may be inquired into and dealt with as if it had been committed within the district of the local authority.

- (4) Any byelaw made under this section shall be of no effect if and in so far as it is inconsistent with any byelaw made by any dock undertakers or by any person authorised by any enactment or statutory order to construct or operate a pier.

#### **77 Byelaws as to hairdressers and barbers**

- (1) A local authority may make byelaws for the purpose of securing—
- (a) the cleanliness of premises on which a hairdresser's or barber's business is carried on and of the instruments, towels, materials and equipment used therein, and
  - (b) the cleanliness of the hairdressers or barbers working in such premises in regard to both themselves and their clothing;
- and it shall be the duty of the local authority to enforce byelaws made by them under this section.
- (2) Section two hundred and eighty-seven of the Public Health Act, 1936, shall have effect as if this section were contained in that Act.
- (3) The Minister shall be the confirming authority as respects byelaws under this section.

#### **78 Water supply to houses**

- (1) In the proviso to subsection (3) of section one hundred and thirty-eight of the Public Health Act, 1936 (under which a householder may be required to pay up to twenty pounds towards the cost of providing a water supply for a house), for the word " twenty " there shall be substituted the word " sixty ".
- (2) This section shall not have effect in relation to a notice given under the said section one hundred and thirty-eight before the commencement of this Act.

#### **79 Discontinuance of reports regarding canal boats**

- (1) Subsection (3) of section two hundred and forty-nine of the Public Health Act, 1936 (which requires a registration authority for any canal to make a report regarding canal boats to the Minister every year), shall cease to have effect.
- (2) This section extends to the administrative county of London.

#### **80 Meaning of "refreshment-house" in s. 89 of Public Health Act, 1936**

It is hereby declared that the expression "refreshment-house " in section eighty-nine of the Public Health Act, 1936, means any building in which food or drink is sold to and consumed by the public.

#### **81 Summary recovery of damages for negligence**

Damages recoverable by a county council, local authority or parish council or parish meeting for damage caused by negligence to any lamp, lamp-post, notice board, fence, rail, post, shelter or other apparatus or equipment provided by them in a street or

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public place shall, if the amount thereof does not exceed twenty pounds, be recoverable summarily as a civil debt.