



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART II

SANITATION AND BUILDINGS

Modifications etc. (not altering text)

- C1** Pt. II amended by Health and Safety at Work, etc. Act 1974 (c. 37), s. 76(1)(2)
C2 Pt. II (ss. 14–90) amended by Housing and Building Control Act 1984 (c. 29, SIF 61), ss. 41(1), 52(1) and 60(2)(a)

Sewerage and sewage disposal

14 F1

Textual Amendments

- F1** Ss. 14, 16 repealed by Water Act 1973 (c. 37), Sch. 9

15 F2

Textual Amendments

- F2** S. 15 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(3), 17, 40(4), 41(1), 57(6), 58)

16 F3

Status: Point in time view as at 24/03/2011.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Part II. (See end of Document for details)

Textual Amendments

F3 Ss. 14, 16 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

F4¹⁷

Textual Amendments

F4 S. 17 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), [Sch. 3 Pt.I](#) (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

F5¹⁸

Textual Amendments

F5 S. 18 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), [Sch. 3 Pt.I](#) (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

F6¹⁹

Textual Amendments

F6 S. 19 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), [Sch. 3 Pt.I](#) (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

20

Modifications etc. (not altering text)

C3 S. 20 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(3), 17, 40(4), 41(1), 57(6), 58)

F7²¹

Textual Amendments

F7 S. 21 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), [Sch. 3 Pt.I](#) (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

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Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Part II. (See end of Document for details)

^{F8}**22**

Textual Amendments

F8 S. 22 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt.I** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

23, 24. ^{F9}

Textual Amendments

F9 Ss. 23, 24 repealed by Water Act 1989 (c. 15, SIF 130), ss. 69, 190(3), Sch. 8 para. 2(5), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

25 ^{F10}

Textual Amendments

F10 S. 25 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

26 ^{F11}

Textual Amendments

F11 S. 26 repealed by Public Health (Drainage of Trade Premises) Act 1937 (c. 40), **s. 1(3)**

^{F12}**27**

Textual Amendments

F12 S. 27 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt.I** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

28 ^{F13}

Textual Amendments

F13 Ss. 28, 35 repealed by Water Act 1973 (c. 37), **Sch. 9**

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29 ^{F14}

Textual Amendments

F14 S. 29 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1)(3), Sch. 25 para. 1(2), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(3), 17, 40(4), 41(1), 57(6), 58)

^{F15}**30**

Textual Amendments

F15 S. 30 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), **Sch. 3 Pt.I** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

^{F16}**31**

Textual Amendments

F16 S. 31 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), **Sch. 3 Pt.I** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

32 ^{F17}

Textual Amendments

F17 S. 32 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, Sch. 25 para. 1(2), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 8 para. 2(5), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

33 **Application of 27 & 28 Vict. c. 114 to works for supply of sewage.**

Works for the supply of sewage to land for agricultural purposes shall be deemed to be an improvement of land authorised by the ^{M1}Improvement of Land Act 1864 and the provisions of that Act shall apply accordingly.

Marginal Citations

M1 1864 c. 114.

Private sewers and drains and cesspools

^{F18}**34**

Status: Point in time view as at 24/03/2011.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Part II. (See end of Document for details)

Textual Amendments

F18 S. 34 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), **Sch. 3 Pt.I** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

35 **F19**

Textual Amendments

F19 Ss. 28, 35 repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

^{F20}**36**

Textual Amendments

F20 S. 36 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), **Sch. 3 Pt.I** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

37— **F21**
41.

Textual Amendments

F21 Ss. 37–41 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

^{F22}**42**

Textual Amendments

F22 S. 42 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3, 4(2), **Sch. 3 Pt.I** (with s. 2(4), Sch. 2 paras. 10, 14(1), 15).

Sanitary conveniences for buildings

43, 44. **F23**

Textual Amendments

F23 Ss. 43, 44 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

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45 Buildings having defective closets capable of repair.

- (1) If it appears to a local authority that any closets provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance, but that they can without reconstruction be put into a satisfactory condition, the authority shall by notice require the owner or the occupier of the building to execute such works, or to take such steps by cleansing the closets or otherwise, as may be necessary for that purpose.
- (2) In so far as a notice under this section requires a person to execute works, the provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to the notice.
- (3) In so far as such a notice requires a person to take any steps other than the execution of works, he shall, if he fails to comply with the notice, be liable to a fine not exceeding [^{F24}level 1 on the standard scale] and to a further fine not exceeding [^{F25}£2] for each day on which the offence continues after conviction therefor:
Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority’s requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the building.
- (4) This section shall not apply . . . ^{F26} to a factory ^{F27} ^{F28} or to a building to which the next succeeding section applies.

Textual Amendments

F24 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

F25 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)

F26 Words repealed by [Offices, Shops and Railway Premises Act 1963 \(c. 41\)](#), Sch. 2

F27 Words in S. 45(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group3

F28 Words repealed by [Factories Act 1937 \(c. 67\)](#), Sch. 4

Modifications etc. (not altering text)

C4 S. 45 excluded by [Offices, Shops and Railway Premises Act 1963 \(c. 41\)](#), s. 9(6)

C5 S. 45 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, Sch.

C6 S. 45 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, Sch. 2

46, 47. ^{F29}

Textual Amendments

F29 Ss. 46, 47 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), Sch. 7

Supplemental provisions as to drains, sanitary conveniences, cesspools, &c.

48 Power of local authority to examine and test drains, &c., believed to be defective.

- (1) Where it appears to a [^{F30}local] authority that there are reasonable grounds for believing that a sanitary convenience, drain, private sewer or cesspool is in such a condition as to

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be prejudicial to health or a nuisance, or that a drain or private sewer communicating . . . indirectly with a public sewer is so defective as to admit subsoil water, they may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and, if they deem it necessary, open the ground.

(1A)

(2) If on examination the convenience, drain, sewer or cesspool is found to be in proper condition, the authority shall, as soon as possible, reinstate any ground which has been opened by them and make good any damage done by them.

Textual Amendments

F30 Word in s. 48(1) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\), ss. 2, 4\(2\), Sch. 1 para. 2\(1\)](#) (by virtue of which provision s. 48 ceased to have effect (1.12.1991) in relation to a drain or private sewer connecting with a public sewer).

Modifications etc. (not altering text)

- C7** S. 48 amended by [Radioactive Substances Act 1960 \(c. 34\), s. 9, Sch. 1 Pt. I para. 3](#)
S. 48 amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\), Sch. 3 Pt. I para. 1](#)
- C8** S. 48 modified (7.8.1991) by [S.I. 1991/1773, art. 8, Sch. 2](#).
- C9** S. 48 repealed (in relation to a drain or private sewer connecting with a public sewer) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\), ss. 2, 4\(2\), Sch. 1 para. 2\(1\)](#).
- C10** s. 48 modified (10.1.1992) by [S.I. 1991/2913, art. 8, Sch. 2](#).
- C11** S. 48 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\), arts. 1\(1\), 4, Sch.](#)
- C12** S. 48 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\), arts. 1\(1\), 4, Sch.](#)
- C13** S. 48 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\), arts. 1\(1\), 4, Sch. \(with art. 2\)](#)
- C14** S. 48 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\), arts. 1\(1\), 4, Sch.](#)
- C15** S. 48 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\), arts. 1, 4, Sch.](#)
- C16** S. 48 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\), arts. 1\(1\), 9, Sch. 2](#)

49 Rooms over closets of certain types, or over ashpits, &c., not to be used as living, sleeping or workrooms.

- (1) A room which, or any part of which, is immediately over a closet, other than a watercloset or earthcloset, or immediately over a cesspool, midden or ashpit, shall not be occupied as a living room, sleeping room or workroom.
- (2) Any person who, after seven days' notice from the local authority, occupies any room in contravention of the provisions of this section, or who permits any room to be so occupied, shall be liable to a fine not exceeding [^{F31}level 1 on the standard scale], and to a further fine not exceeding [^{F32}£2] for each day on which the offence continues after conviction therefor.

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Textual Amendments

- F31** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
F32 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**

Modifications etc. (not altering text)

- C17** S. 49 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**

50 Overflowing and leaking cesspools.

- (1) If the contents of any cesspool soak therefrom or overflow, the local authority . . .
^{F33} may by notice require the person by whose act, default or sufferance the soakage or overflow occurred or continued to execute such works, or to take such steps by periodically emptying the cesspool or otherwise, as may be necessary for preventing the soakage or overflow:
 Provided that this subsection shall not apply in relation to the effluent from a properly constructed tank for the reception and treatment of sewage, if that effluent is of such a character, and is so conveyed away and disposed of, as not to be prejudicial to health or a nuisance.
- (2) In so far as a notice under this section requires a person to execute works, the provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to the notice.
- (3) In so far as such a notice requires a person to take any steps other than the execution of works, he shall, if he fails to comply with the notice, be liable to a fine not exceeding [^{F34}level 1 on the standard scale], and to a further fine not exceeding [^{F35}£2] for each day on which the offence continues after conviction therefor:
 Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements.

Textual Amendments

- F33** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 69, 190(3), [Sch. 8 para. 2\(8\)](#), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 13\(2\)\(3\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))
F34 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
F35 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**

Modifications etc. (not altering text)

- C18** S. 50 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.
C19 S. 50 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.
C20 S. 50 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**

51 Care of closets.

- (1) The occupier of every building in, or in connection with, which a watercloset or an earthcloset is provided shall, in the case of a watercloset, cause the flushing apparatus thereof to be kept supplied with water sufficient for flushing and where necessary to

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be properly protected against frost, and shall, in the case of an earthcloset, cause it to be kept supplied with dry earth or other suitable deodorising material.

- (2) A person who fails to comply with any of the provisions of this section shall be liable to a fine not exceeding [^{F36}level 1 on the standard scale]

Textual Amendments

F36 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

Modifications etc. (not altering text)

- C21** S. 51 amended (Greater London) by [London Government Act 1963 \(c. 33\)](#), **Sch. 11 Pt. I para. 13**
- C22** Ss. 51-52 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.
- C23** Ss. 51-52 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.
- C24** S. 51 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C25** S. 51 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C26** S. 51 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C27** S. 51 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C28** S. 51 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C29** Ss. 51, 52 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**

52 Care of sanitary conveniences used in common.

Where a sanitary convenience is used in common by the members of two or more families, the following provisions shall have effect:—

- (a) if any person injures or improperly fouls the convenience, or anything used in connection therewith, or wilfully or by negligence causes an obstruction in the drain therefrom, he shall be liable to a fine not exceeding [^{F37}level 1 on the standard scale];
- (b) if the convenience, or the approach thereto, is, for want of proper cleansing or attention, in such a condition as to be insanitary, such of the persons having the use thereof in common as are in default, or, in the absence of satisfactory proof as to which of them is in default, each of them, shall be liable to a fine not exceeding [^{F37}level 1 on the standard scale], and to a further fine not exceeding [^{F38}£2] for each day on which the offence continues after conviction therefor.

Textual Amendments

F37 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

F38 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)

Modifications etc. (not altering text)

- C29** Ss. 51, 52 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C30** Ss. 51-52 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.

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- C31** Ss. 51-52 modified (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**.
- C32** S. 52 modified (E.) (6.4.2010) by The Bristol Port Health Authority Order 2010 (S.I. 2010/1214), arts. 1, 4, **Sch.**
- C33** S. 52 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C34** S. 52 modified (E.) (6.4.2010) by The Southampton Port Health Authority Order 2010 (S.I. 2010/1218), arts. 1(1), 4, **Sch.**
- C35** S. 52 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C36** S. 52 modified (E.) (6.4.2010) by The Cornwall Port Health Authority Order 2010 (S.I. 2010/1215), arts. 1(1), 4, **Sch.** (with art. 2)

53— **F39**
62.

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Textual Amendments

F39 Ss. 53–62 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

63 **F40**

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Textual Amendments

F40 S. 63 repealed by Public Health Act 1961 (c. 64), **Sch. 5 Pt. 1**

64 **F41**

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Textual Amendments

F41 S. 64 repealed (with saving for s. 64(5)) by Building Act 1984 (c. 55, SIF 15), ss. 132, 133(2), Sch. 5 para. 4(1), **Sch. 7**

65— **F42**
67.

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Textual Amendments

F42 Ss. 65–67 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

68, 69. **F43**

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Textual Amendments

F43 Ss. 68, 69 repealed by [Public Health Act 1961 \(c. 64\)](#), [Sch. 5 Pt. 1](#)

70, 71. **F44**

Textual Amendments

F44 Ss. 70, 71 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

Removal of refuse, scavenging, keeping of animals, &c.

72— **F45**
76.

Textual Amendments

F45 Ss. 72–76 repealed by [Control of Pollution Act 1974 \(c. 40, SIF 46:4\)](#), s. 109(2), [Sch. 4](#)

77 **F46**

Textual Amendments

F46 [S. 77](#) repealed by [Control of Pollution Act 1974 \(c. 40\)](#), [Sch. 4](#)

78 Scavenging of common courts and passages.

- (1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a highway repairable by the inhabitants at large, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the local authority, the authority may cause it to be swept and cleansed.
- (2) The local authority may recover any expenses reasonably incurred by them under this section from the occupiers of the buildings which front or abut on the court or yard, or to which the passage affords access, in such proportions as may be determined by the authority, or, in case of dispute, by a court of summary jurisdiction.

79 [^{F47}**Power to require removal of noxious matter by occupier of premises in urban district.**

- (1) If in a borough or [^{F48}district,] or in a rural district or contributory place in which section forty-nine of the ^{M2}Public Health Act 1875, was in force immediately before the commencement of this Act, it appears to the [^{F49}proper officer of the authority] that any accumulation of noxious matter ought to be removed, he shall serve notice on the owner thereof, or on the occupier of the premises on which it is found, requiring

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him to remove it, and, if the notice is not complied with within twenty-four hours after service thereof, the inspector may remove the matter referred to.

- (2) A local authority may recover the expenses of any action reasonably taken by their inspector under the preceding sub-section from the owner or occupier in default.]

Textual Amendments

- F47** S. 79 repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), ss. 108, 109(2), **Sch. 4**
F48 Words substituted by virtue of Local Government Act 1972 (c. 70), **s. 179(3)**
F49 Words substituted by virtue of Local Government Act 1972 (c. 70), **Sch. 29 Pt. I para. 4(1)(a)**

Modifications etc. (not altering text)

- C37** S. 79 amended by Radioactive Substances Act 1960 (c. 34), s. 9, **Sch. 1 Pt. I para. 3**; applied by Local Government Act 1972 (c. 70), **Sch. 14 para. 4**
 S. 79 amended (temp.) (27.8.1993) by 1993 c. 12, ss. 40, 49(2), 51(2), Sch. 3 Pt. I para. 1, **Sch. 5 Pt. II para. 9(3)**

Marginal Citations

- M2** 1875 c. 55.

80 ^[F50]Power to require periodical removal of manure, &c. from stables, &c. in urban district.

- (1) In a borough or ^[F51]district,] and in a rural district or contributory place in which section fifty of the ^{M3}Public Health Act 1875 was in force immediately before the commencement of this Act, the local authority may by public or other notice require the periodical removal, at such intervals as may be specified in the notice, of manure or refuse from mews, stables or other premises.
- (2) If a person on whom a notice has been served under this section fails to comply therewith, he shall be liable to a fine not exceeding ^[F52]level 1 on the standard scale.]

Textual Amendments

- F50** S. 80 repealed (*prosp.*) by Control of Pollution Act 1974 (c. 70), s. 109(2), **Sch. 4**
F51 Words substituted by virtue of Local Government Act 1972 (c. 70), **s. 179(3)**
F52 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

- C38** S. 80 applied by Local Government Act 1972 (c. 70), **Sch. 14 para. 4**

Marginal Citations

- M3** 1875 c. 55.

81 Byelaws for the prevention of certain nuisances.

A local authority may make byelaws for preventing—

- (a) the occurrence of nuisances from snow, filth, dust, ashes and rubbish;
- (b) the keeping of animals so as to be prejudicial to health.

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Modifications etc. (not altering text)

- C39** S. 81 amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, [Sch. 1 Pt. I para. 3](#); extended (Greater London) by [London Government Act 1963 \(c. 33\)](#), [Sch. 11 Pt. I para. 17](#)
S. 81 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), [Sch. 3 Pt. I para. 1](#)
- C40** S. 81 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, [Sch.](#)
- C41** S. 81 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, [Sch. 2](#)

82 Byelaws as to removal through streets of offensive matter or liquid.

- (1) A local authority may make byelaws—
- prescribing the times for the removal, or carriage through the streets, of any faecal or offensive or noxious matter or liquid, whether that matter or liquid is in course of removal or carriage from within, or from without, or through, their district;
 - requiring that the receptacle or vehicle used for the removal or carriage of any such matter or liquid shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;
 - requiring the cleansing of any place whereon any such matter or liquid has been dropped or split in the course of removal or carriage.
- (2) If and so far as a byelaw made under the preceding sub-section is inconsistent with ^{F53}[an order under section ^{F54}6 of the ^{M4}Road Traffic Regulation Act 1967] the order shall prevail].

Textual Amendments

- F53** Words substituted by [London Government Act 1963 \(c. 33\)](#), [Sch. 11 Pt. I para. 18\(2\)](#)
- F54** Words substituted by virtue of [Road Traffic Regulations Act 1967 \(c. 76\)](#), [Sch. 8 para. 2](#)

Modifications etc. (not altering text)

- C42** S. 82 amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, [Sch. 1 Pt. I para. 3](#); extended (Greater London) by [London Government Act 1963 \(c. 33\)](#), [Sch. 11 Pt. I para. 18\(1\)](#)
S. 82 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), [Sch. 3 Pt. I para. 1](#)
- C43** S. 82 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, [Sch.2](#).
- C44** S. 82 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, [Sch.2](#).
- C45** S. 82 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, [Sch.](#)
- C46** S. 82 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, [Sch.](#)
- C47** S. 82 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, [Sch.](#)
- C48** S. 82 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, [Sch.](#) (with art. 2)
- C49** S. 82 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, [Sch.](#)
- C50** S. 82 modified (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, [Sch. 2](#)

Status: Point in time view as at 24/03/2011.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Part II. (See end of Document for details)

Marginal Citations

M4 1967 c. 76.

Filthy or verminous premises or articles, and verminous persons.

83 Cleansing of filthy or verminous premises.

[^{F55}(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.]

(2) If a person on whom a notice under this section is served fails to comply with the requirements thereof, the authority may themselves carry out the requirements and recover from him the expenses reasonably incurred by them in so doing, and, without prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding [^{F56}level 1 on the standard scale] and to a further fine not exceeding [^{F57}£2] for each day on which the offence continues after conviction therefor:

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises.

(3) Where a local authority take action under paragraph (b) of subsection (1) of this section, their notice may require that they shall be allowed to employ gas for the purpose of destroying vermin on the premises, but in that case the notice shall be served both on the owner and on the occupier of the premises, and the authority shall bear the cost of their operations and may provide temporary shelter or house accommodation for any person compelled to leave the premises by reason of their operations.

[^{F58} (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 ^{M5} Mines and Quarries Act 1954.]

Status: Point in time view as at 24/03/2011.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Part II. (See end of Document for details)

Textual Amendments

- F55** S. 83(1)(1A) substituted for s. 83(1) by [Public Health Act 1961 \(c. 64\), s. 35\(2\)](#) with saving for notices given under s. 83 before 3.10.1961
- F56** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F57** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F58** S. 83(4) added by [Public Health Act 1961 \(c. 64\), s. 35\(3\)](#) with saving for notices given under s. 83 before 3.10.1961

Modifications etc. (not altering text)

- C51** S. 83 amended by [Public Health Act 1961 \(c. 64\), s. 36](#)
- C52** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 68(1)(a)**
- C53** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773, art. 8, Sch.2](#).
- C54** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913, art. 8, Sch.2](#).
- C55** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), **arts. 1, 4, Sch.**
- C56** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), **arts. 1(1), 4, Sch.**
- C57** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), **arts. 1(1), 4, Sch.**
- C58** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), **arts. 1(1), 4, Sch.**
- C59** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), **arts. 1(1), 4, Sch.** (with art. 2)
- C60** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), **arts. 1(1), 9, Sch. 2**

Marginal Citations

- M5** [1954 c. 70.](#)

84 Cleansing or destruction of filthy or verminous articles.

Where it appears to a local authority upon a certificate of [^{F59}the proper officer of the authority] that any article in any premises—

- (a) is in so filthy a condition as to render its cleansing, purification or destruction necessary in order to prevent injury, or danger of injury, to the health of any person in the premises; or
- (b) is verminous, or by reason of its having been used by, or having been in contact with, any verminous person is likely to be verminous,

the local authority shall cause that article to be cleansed, purified, disinfected or destroyed, as the case may require, at their expense and, if necessary for that purpose, to be removed from the premises.

Textual Amendments

- F59** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), Sch. 29 Pt. I para. 4\(1\)\(a\)](#)

Modifications etc. (not altering text)

- C55** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), **arts. 1, 4, Sch.**

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- C56** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C57** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C58** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C59** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C60** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C61** Power to apply conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **68(1)(a)**
- C62** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.
- C63** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.

85 **Cleansing of verminous persons and their clothing.**

- (1) Upon the application of any person, a county council or a local authority may take such measures as are, in their opinion, necessary to free him and his clothing from vermin.
- (2) Where it appears to a county council or a local authority, upon a report from [^{F60}the proper officer of the authority], that any person, or the clothing of any person, is verminous, then, if that person consents to be removed to a cleansing station, they may cause him to be removed to such a station, and, if he does not so consent, they may apply to a court of summary jurisdiction, and the court, if satisfied that it is necessary that he or his clothing should be cleansed, may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.
- (3) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection, the county council or local authority shall take such measures as may, in their opinion, be necessary to free him and his clothing from vermin.
- (4) The cleansing of females under this section shall be carried out only by a registered medical practitioner, or by a woman duly authorised by the [^{F60}proper officer of the authority].
- (5) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen years, be given on his behalf by his parent or guardian.
- (6) No charge shall be made in respect of the cleansing of a person or his clothing, or in respect of his removal to, or maintenance in, a cleansing station under this section.
- (7) The powers conferred on a county council or local authority by this section shall be in addition to, and not in derogation of, any power in relation to the cleansing of children which may be exercisable by them [^{F61}under Chapter 2 of Part 9 of the Education Act 1996].

Textual Amendments

- F60** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), **Sch. 29 Pt. I para. 4(1)(a)**
- F61** Words in s. 85(7) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 18**

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Modifications etc. (not altering text)

- C55** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C56** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C57** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C58** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C59** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C60** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C64** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.
- C65** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.
- C66** “Authority” where substituted in s. 85(2)(4) includes County Council: [Local Government Act 1972 \(c. 70\)](#), s. **270(1)**

86 Provision of cleansing stations.

A county council or local authority may provide such cleansing stations as may be necessary for the discharge of their functions under any of the three last preceding sections.

Modifications etc. (not altering text)

- C55** Ss. 83-86 modified (E.) (6.4.2010) by [The Bristol Port Health Authority Order 2010 \(S.I. 2010/1214\)](#), arts. 1, 4, **Sch.**
- C56** Ss. 83-86 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C57** Ss. 83-86 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C58** Ss. 83-86 modified (E.) (6.4.2010) by [The Southampton Port Health Authority Order 2010 \(S.I. 2010/1218\)](#), arts. 1(1), 4, **Sch.**
- C59** Ss. 83-86 modified (E.) (6.4.2010) by [The Cornwall Port Health Authority Order 2010 \(S.I. 2010/1215\)](#), arts. 1(1), 4, **Sch.** (with art. 2)
- C60** Ss. 83-86 modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C67** Ss. 83-86 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.
- C68** Ss. 83-86 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.

Public sanitary conveniences

87 Provision of public conveniences.

[^{F62}(1) A county council, . . . ^{F63} , a local authority or a parish or community council may, subject to subsection (2) of this section, provide sanitary conveniences in proper and convenient situations.

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- (2) Any such council or authority shall not provide any such convenience in or under a highway or proposed highway for which they are not the highway authority without the consent of the highway authority.]
- (3) [^{F64}Any such council or] authority who provide any public sanitary conveniences, may—
 - (a) make byelaws as to the conduct of persons using or entering them;
 - (b) let them for such term, at such rent, and subject to such conditions as they think fit;
 - (c) charge such fees for the use of any such conveniences ^{F65}... as they think fit.
- (4) In this section the expression “sanitary conveniences” includes lavatories.

Textual Amendments

F62 S. 87(1)(2) substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 para. 9(1)**

F63 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

F64 Words substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 14 para. 9(2)**

F65 Words in s. 87(3)(c) omitted (6.4.2008) by virtue of [The Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), regs. 1(1), **3**

Modifications etc. (not altering text)

C69 S. 87 modified by [S.I. 1973/686](#), art. 3(1), **Sch. 3**

C70 Functions of Minister of Transport under s. 87(1) in relation to Wales now exercisable by Secretary of State: [S.I. 1965/319](#), art. 3, **Sch. 2 Pt. I**

88 ^{F66}

Textual Amendments

F66 S. 88 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

89 ^{F67}

Textual Amendments

F67 S. 89 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

General

90 Interpretation of Part II.

- (1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—
 - “cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

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“closet” includes privy;

“earthcloset” means a closet having a moveable receptable for the reception of faecal matter and its deodorisation by the use of earth, ashes or chemicals, or by other methods;

“joint sewerage board” includes any authority or committee constituted for the purpose of collecting and dealing with the contents of sewers from the districts of two or more local authorities;

“sanitary conveniences” means closets and urinals;

F68
...

“surface water” includes water from roofs;

“vermin,” in its application to insects and parasites, includes their eggs, larvæ and pupæ, and the expression “verminous” shall be construed accordingly; and

“watercloset” means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action.

(2) For the purposes of this Part of this Act [F69 except sections 61 to 71 and any other enactment to which section 74(1) of the M6 Health and Safety at Work etc. Act 1974 applies], any of the following operations shall be deemed to be the erection of a building, that is to say—

(i) the re-erection of any building or part of a building when an outer wall of that building or, as the case may be, that part of a building has been pulled down, or burnt down, to within ten feet of the surface of the ground adjoining the lowest storey of the building or of that part of the building;

(ii) the re-erection of any frame building or part of a frame building when that building or part of a building has been so far pulled down, or burnt down, as to leave only the framework of the lowest storey of the building or of that part of the building.

(iii) the roofing over of any open space between walls or buildings;

and the word “erect” shall be construed accordingly.

(3) F70

(4) Any reference in this Part of this Act to a drain or to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that drain or sewer, F71 ...

F71(5)

(6) F70

Textual Amendments

F68 Definition of “sewerage authority” repealed by [Water Act 1973 \(c. 37\), Sch. 9](#)

F69 Words substituted by Health and Safety at [Work etc. Act 1974 \(c. 37\), Sch. 6 Pt. I para. 3\(a\)](#)

F70 [S. 90\(3\)\(6\)](#) repealed by [Building Act 1984 \(c. 55, SIF 15\), s. 133\(2\), Sch. 7](#)

F71 [S. 90\(5\)](#) and words in [s. 90\(4\)](#) repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\), ss. 3, 4\(2\), Sch. 3 Pt.1](#) (with [s. 2\(4\), Sch. 2 paras. 10, 14\(1\), 15](#)).

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*Changes to legislation: There are currently no known outstanding effects
for the Public Health Act 1936, Part II. (See end of Document for details)*

Modifications etc. (not altering text)

C71 S. 90(2) excluded by [Public Health Act 1961 \(c. 64\)](#), [Sch. 2 para. 6](#)

Marginal Citations

M6 [1974 c. 37](#).

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Part II.