



# Public Health Act 1936

## 1936 CHAPTER 49

### PART II

#### SANITATION AND BUILDINGS.

##### *Sanitary conveniences for buildings.*

#### **43 Closet accommodation to be provided for new buildings.**

- (1) Where plans of a building or of an extension of a building are, in accordance with building bye-laws, deposited with a local authority, the authority shall reject the plans unless either the plans show that sufficient and satisfactory closet accommodation consisting of one or more waterclosets or earthclosets, as the authority may approve, will be provided, or the authority are satisfied that in the case of the particular building or extension they may properly dispense with the provision of closet accommodation :

Provided that—

- (i) unless a sufficient water supply and sewer are available, the authority shall not reject the plans on the ground that the proposed accommodation consists of or includes an earthcloset or earthclosets; and
  - (ii) if the plans show that the proposed building or, as the case may be, extension is likely to be used as a factory, workshop or workplace in which persons of both sexes will be employed, or will be in attendance, the authority shall reject the plans, unless either the plans show that sufficient and satisfactory separate closet accommodation for persons of each sex will be provided, or the authority are satisfied that in the circumstances of the particular case they may properly dispense with the provision of such separate accommodation.
- (2) Any question arising under this section between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether—
- (a) the provision of closet accommodation, or, as the case may be, the provision of separate closet accommodation for persons of each sex, may properly be dispensed with; or

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- (b) the closet accommodation proposed to be provided is sufficient and satisfactory or, as the case may be, sufficient and satisfactory for persons of either sex; or
- (c) the provision of an earthcloset in lieu of a watercloset should in any particular instance be approved,

may on the application of that person be determined by a court of summary jurisdiction.

**44 Buildings having insufficient closet accommodation, or closets so defective as to require reconstruction.**

- (1) If it appears to a local authority—
  - (a) that any building is without sufficient closet accommodation; or
  - (b) 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 and cannot without reconstruction be put into a satisfactory condition,

the authority shall by notice to the owner of the building require him to provide the building with such closets or additional closets, or such substituted closets, being in each case either waterclosets or earthclosets, as may be necessary:

Provided that, unless a sufficient water supply and sewer are available, the authority shall not require the provision of a watercloset except in substitution for an existing watercloset.

- (2) 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 any notice given under this section.
- (3) This section shall not apply to a shop to which the Shops Act, 1934, applies, or to a factory or workshop to which section nine of the Factory and Workshop Act, 1901, applies, or to a building to which the next but one succeeding section applies.

**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 five pounds and to a further fine not exceeding forty shillings 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 to a shop to which the Shops Act, 1934, applies, or to a factory or workshop to which section nine of the Factory and Workshop Act, 1901, applies, or to a building to which the next succeeding section applies.

**46 Sanitary conveniences in factories, workshops and workplaces.**

- (1) In a borough or urban district, and in a rural district or contributory place in which section twenty-two of the Public Health Acts Amendment Act, 1890, was in force immediately before the commencement of this Act, every building which is used as a factory, workshop or workplace shall be provided with sufficient and satisfactory accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the building and also, where persons of both sexes are employed or in attendance, with sufficient and satisfactory separate accommodation for persons of each sex, unless the local authority are satisfied that in the circumstances of the particular case the provision of such separate accommodation is unnecessary.
- (2) If it appears to the local authority that the provisions of the preceding subsection are not complied with in the case of any building, they shall by notice require the owner or the occupier of the building to make such alterations in the existing conveniences, and to provide such additional conveniences, as may be necessary.
- (3) 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 any notice given under this section.
- (4) This section shall not apply to a shop to which the Shops Act, 1934, applies.
- (5) Section nine of the Factory and Workshop Act, 1901 (which relates to the provision of sanitary conveniences in factories and workshops), shall not apply to any borough or urban district, or to any rural district or contributory place to which either section twenty-two of the Public Health Acts Amendment Act, 1890, or this section has been applied by order.

**47 Replacement of earthclosets, and &c, by waterclosets at joint expense of owner and local authority.**

- (1) If a building has a sufficient water supply and sewer available, the local authority may, subject to the provisions of this section, by notice to the owner of the building require that any closets, other than waterclosets, provided for, or in connection with, the building shall be replaced by waterclosets, notwithstanding that the closets are not insufficient in number and are not prejudicial to health or a nuisance.
- (2) A notice under this section shall either require the owner to execute the necessary works, or require that the authority themselves shall be allowed to execute them, and shall state the effect of the next succeeding subsection.
- (3) Where under the preceding subsection a local authority require that they shall be allowed to execute the works, they shall be entitled to recover from the owner one-half of the expenses reasonably incurred by them in the execution of the works, and, where they require the owner to execute the works, the owner shall be entitled to recover from them one-half of the expenses reasonably incurred by him in the execution thereof.

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- (4) Where the owner of a building proposes to provide it with a watercloset in substitution for a closet of any other type, the local authority may, if they think fit, agree to pay to him a part, not exceeding one-half, of the expenses reasonably incurred in effecting the replacement, notwithstanding that a notice has not been served by them under this section.
- (5) 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 any notice under this section requiring a person either to execute works or to allow works to be executed, subject however to the modifications that no appeal shall be made on the ground that the works are unnecessary and that any reference in the said provisions to the expenses reasonably incurred in executing works shall be construed as a reference to one-half of those expenses.