



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART XII

### GENERAL

*Provisions as to recovery of expenses, &c.*

**291 Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.**

- (1) Where a local authority have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable, either under this Act or under any enactment repealed thereby, or by agreement with the authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.
- (2) A local authority may by order declare any expenses recoverable by them under this section to be payable with interest by instalments within a period not exceeding thirty years, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered from the owner or occupier for the time being of the premises in respect of which the expenses were incurred, and, if recovered from the occupier, may be deducted by him from the rent of the premises:  
Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

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An order may be made under this subsection at any time with respect to any unpaid balance of expenses and accrued interest so, however, that the period for repayment shall not in any case extend beyond thirty years from the service of the first demand for the expenses.

- (3) The rate of interest chargeable under subsection (1) or subsection (2) of this section shall be such [<sup>F1</sup>reasonable] rate as the authority may determine:  
<sup>F2</sup>  
 . . .
- (4) A local authority shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the <sup>M1</sup>Law of Property Act 1925, and otherwise as if they were mortgages by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

#### Textual Amendments

- F1** Word inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(6), [Sch. 6 para. 4](#)
- F2** S. 291(3) proviso repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. VI](#)

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

- C1** S. 291 extended by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [33\(6\)\(c\)](#)
- C2** S. 291 amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, [Sch. 8 para. 1\(2\)\(b\)](#) (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), 57(6), 58)  
 S. 291 applied (27.8.1993) by 1993 c. 11, ss. [62\(1\)](#), 68(2)  
 S. 291 applied (with modifications) (20.9.2000) by 2000 c. vii, ss. [1\(1\)](#), 19(10)–(12)
- C3** S. 291 extended (1.12.1991) by [Water Industry Act 1991 \(c. 56\)](#), ss. [107\(5\)](#), 109(3), 160(2), 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6)
- C4** S. 291 applied (with modifications) (13.7.2004) by [London Local Authorities Act 2004 \(c. i\)](#), ss. 1(1), [9](#), [Sch. 1](#)
- C5** S. 291 modified by 1995 c. x, s. 12(6C) (as inserted (13.7.2004) by [London Local Authorities Act 2004 \(c. i\)](#), ss. 1(1), [12\(4\)](#))
- C6** S. 291 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), s. 1(3), [Sch. 1](#)
- C7** S. 291 modified (21.9.2008) by [London Local Authorities and Transport for London Act 2008 \(c. iii\)](#), ss. 1(2), 11(4), [Sch. 1](#)
- C8** S. 291 applied (with modifications) by 1990 c. 8, s. 225F(9) (as inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. [127\(2\)](#), 240(2) (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9121316arts. 18–20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4))
- C9** S. 291(3) proviso amended by [Local Government Act 1972 \(c. 70\)](#), s. [171](#)

#### Marginal Citations

- M1** 1925 c. 20.

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Provisions as to recovery of expenses, &c.. (See end of Document for details)*

#### Textual Amendments

**F3** S. 292 repealed by [Local Government Act 1974 \(c. 7\)](#), **Sch. 8**

### 293 Recovery of expenses, &c.

- (1) Any sum which a council are entitled to recover under this Act, and with respect to the recovery of which provision is not made by any other section of this Act, may be recovered . . . <sup>F4</sup> as a simple contract debt in any court of competent jurisdiction.
- (2) . . . . . <sup>F5</sup>

#### Textual Amendments

**F4** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

**F5** S. 293(2) repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

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

**C10** S. 293 extended by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **s. 29(12)**

**C11** S. 293 amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 1(2)(b)** (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), 57(6), 58)

S. 293 applied (27.8.1993) by [1993 c. 11](#), **ss. 62(1)**, 68(2)

**C12** S. 293 extended (1.12.1991) by [Water Industry Act 1991 \(c. 56\)](#), **ss. 107(5)**, 109(3), 160(2), 223(2) (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6)

**C13** S. 293 modified by [1995 c. x](#), s. 12(6C) (as inserted (13.7.2004) by [London Local Authorities Act 2004 \(c. i\)](#)), **ss. 1(1)**, **12(4)**

### 294 Limitation of liability of certain owners.

Where a council claim to recover any expenses under this Act from a person as being the owner of the premises in respect of which the expenses were incurred and that person proves that he—

- (a) is receiving the rent of those premises merely as agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but a council who are, or would be, debarred by the foregoing provisions from recovering the whole of any such expenses from an agent or trustee may recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

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

**C14** S. 294 applied with modifications by [S.I. 1987/349](#), **reg. 11** and [S.I. 1990/1519](#), **reg. 11**

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- C15** S. 294 amended by [Water Act 1989](#) (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (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), 57(6), 58)
- C16** Power to apply s. 294 conferred by [Town and Country Planning Act 1990](#) (c. 8, SIF 123:1), **ss. 178(3)(c)(5), 209(3)(c)(5), 219(3)(c)(5)** and by [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) (c.9, SIF 123:1), **ss. 42(3)(c)(5), 74(3)**
- C17** S. 294 applied (1.12.1991) by [Water Industry Act 1991](#) (c. 56), **ss. 107(5), 109(3), 160(2), 223(2)** (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6)  
S. 294 applied (27.8.1993) by 1993 c. 11, **ss. 62(1), 68(2)**
- C18** S. 294 applied (with modifications) (17.7.1992) by S.I. 1992/1492, **reg. 14(1)**.  
S. 294 applied (with modifications)(27.8.1993) by 1993 c. 12, **ss. 30(3), 51(2)**
- C19** S. 294 applied (with modifications) (1.3.2010) by [The Infrastructure Planning \(Miscellaneous Prescribed Provisions\) Regulations 2010](#) (S.I. 2010/105), regs. 1(1), **5(1)**
- C20** S. 294 applied (with modifications) by SI 2010/675 Sch. 23 Pt. 4 para. 4(3)(b) (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011](#) (S.I. 2011/2043), reg. 1(b), **Sch. 1**)
- C21** S. 294 applied (with modifications) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012](#) (No. 793), regs. 1, **15(1)**
- C22** S. 294 applied (with modifications) (6.4.2015) by [The Infrastructure Planning \(Interested Parties and Miscellaneous Prescribed Provisions\) Regulations 2015](#) (S.I. 2015/462), regs. 1, **8(1)**
- C23** S. 294 applied (with modifications) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016](#) (S.I. 2016/1154), reg. 1(1), **Sch. 23 para. 8(3)(b)** (with regs. 1(3), 77-79, Sch. 4)

**295** ..... F6

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**Textual Amendments**

- F6** S. 295 repealed with saving by [Local Government \(Miscellaneous Provisions\) Act 1976](#) (c. 57), s. 27(6), **Sch. 2**

**Changes to legislation:**

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