



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART XI

### MISCELLANEOUS

*Watercourses, ditches, ponds, &c.*

#### **259 Nuisances in connection with water-courses, ditches, ponds, &c.**

(1) The following matters shall be statutory nuisances for the purposes of [<sup>F1</sup>Part III of the Environmental Protection Act 1990], that is to say—

- (a) any pond, pool, ditch, gutter or watercourse which is so foul or in such a state as to be prejudicial to health or a nuisance;
- (b) any part of a watercourse, not being a part ordinarily navigated by vessels employed in the carriage of goods by water, which is so choked or silted up as to obstruct or impede the proper flow of water and thereby to cause a nuisance, or give rise to conditions prejudicial to health:

Provided that in the case of an alleged nuisance under paragraph (b) nothing in this subsection shall be deemed to impose any liability on any person other than the person by whose act of default the nuisance arises or continues.

(2) . . . . . F2

#### **Textual Amendments**

- F1** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15, para. 4(3)**
- F2** [S. 259\(2\)](#) repealed by [Control of Pollution Act 1974 \(c. 40\)](#), s. 109(2), **Sch. 4**

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

- C1** [S. 259](#) amended by [Radioactive Substances Act 1960 \(c. 34\)](#), s. 9, **Sch. 1 Pt. I para. 3**; extended by that 1960 Act, s. 108(1)

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*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 259. (See end of Document for details)*

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- S. 259 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. 1 para. 1**
- C2** Power to apply s. 259 conferred by Transport Act 1968 (c. 73), **s. 112(3)**
- C3** S. 259 modified by SI 2010/675 Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), reg. 1(b), **Sch. 1**)
- C4** S. 259 modified (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), Sch. 23 paras. 1(3), **2** Table 9 (with regs. 1(3), 77-79, Sch. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1936, Section 259.