



Public Health Act 1875

1875 CHAPTER 55

PART III

SANITARY PROVISIONS.

REGULATION OF CELLAR DWELLINGS AND LODGING HOUSES.

Occupation of Cellar Dwellings.

71 Prohibition of occupying cellar dwellings.

It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any cellar (including for the purposes of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

72 Existing cellar dwellings only to be let or occupied on certain conditions.

It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with ; (that is to say,)

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height above the surface of the street or ground adjoining or nearest to the same; and

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part ; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof ; and

Unless there is appurtenant to the cellar the use of a watercloset earthcloset or privy and an ashpit, furnished with proper doors and coverings, according to the provisions of this Act ; and

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Unless the cellar has a fireplace with a proper chimney or flue, and an external window of at least nine superficial feet in area clear of the sash frame, and made to open in a manner approved by the surveyor (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame).

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over across or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over across or opposite to any such external window.

73 Penalty on persons offending against enactment.

Any person who lets occupies or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the local authority in this behalf.

74 Definition of occupying as a dwelling.

Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

75 Power to close cellars in case of two convictions.

Where two convictions against the provisions of any Act relating to the occupation of a cellar as a separate dwelling place have taken place within three months (whether the person so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the local authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section.

Common Lodging-houses.

76 Registers of common lodging-houses to be kept.

Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house, and the number of lodgers authorised under this Act by such authority to be received therein.

A copy of any entry in such register, certified by the clerk of the local authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded ; and a certified copy of any such entry shall be supplied gratis by the clerk to any person applying at a reasonable time for the same.

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77 All common lodging-houses to be registered, and to be kept only by registered keepers.

A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

78 Local authority may refuse to register houses.

A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority ; and the local authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the local authority a certificate of character, in such form as the local authority direct, signed by three inhabitant householders of the parish respectively rated to the relief of the poor of the parish within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards.

79 Notice of registration to be affixed to houses.

The keeper of every common lodging-house shall, if required in writing by the local authority so to do, affix and keep undefaced and legible a notice with the words " Registered Common Lodging-house " in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the local authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceeding five pounds, and to a, further penalty of ten shillings for every day that such refusal or neglect continues after conviction.

80 Byelaws to be made by local authority.

Every local authority shall from time to time make byelaws—

- (1) For fixing and from time to time varying the number of lodgers who maybe received into a common lodging-house, and for the separation of the sexes therein ; and,
- (2) For promoting cleanliness and ventilation in such houses ; and,
- (3) For the giving of notices and the taking precautions in the case of any infectious disease ; and,
- (4) Generally for the well ordering of such houses.

81 Power to local authority to require supply of water to houses.

Where it appears to any local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose ; and if the notice be

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not complied with accordingly, the local authority may remove such house from the register until it is complied with.

82 Limewashing of houses.

The keeper of a common lodging-house shall, to the satisfaction of the local authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and shall if he fails to do so be liable to a penalty not exceeding forty shillings.

83 Power to order reports from keepers of houses receiving vagrants.

The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required in writing by the local authority so to do, report to the local authority, or to such person as the local authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the person so ordered to report, which schedules he shall fill up with the information required and transmit to the local authority.

84 Keepers to give notice of fever, &c. therein.

The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate notice thereof to the medical officer of health of the local authority, and also to the poor law relieving officer of the union or parish in which the common lodging-house is situated.

85 As to inspection.

The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the local authority, give him free access to such house or any part thereof ; and any such keeper or person who refuses such access shall be liable, to a penalty not exceeding five pounds.

86 Offences by keepers of houses.

Any keeper of a common lodging-house who—

- (1) Receives any lodger in such house without the same being registered under this Act ; or
 - (2) Fails to make a report, after he has been furnished by the local authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house ; or
 - (3) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,
- shall be liable to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding forty shilling's for every day during which the offence continues.

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87 Evidence as to family in proceedings.

In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

88 Conviction for third offence to disqualify persons from keeping common lodging-house.

Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if he thinks fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the local authority, which license the local authority may withhold or grant on such terms and conditions as they think fit.

89 Interpretation of " common lodging-house ".

For the purposes of this Act the expression " common lodging-house " includes, in any case in which only part of a house is used as a common lodging-house, the part so used of such house.

Byelaws as to Houses let in Lodgings.

90 Local Government Board may empower local authority to make byelaws as to lodging-houses.

The Local Government Board may, if they think fit, by notice published in the London Gazette, declare the following enactment to be in force within the district or any part of the district of any local authority, and from and after the publication of such notice such authority shall be empowered to make byelaws for the following matters ; (that is to say,)

- (1) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied :
- (2) For the registration of houses so let or occupied:
- (3) For the inspection of such houses :
- (4) For enforcing drainage and the provision of privy accommodation for. such houses, and for promoting cleanliness and ventilation in such houses :
- (5) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof;
- (6) For the giving of notices and the taking of precautions in case of any infectious disease.

This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.