



Public Health (Scotland) Act 1897

1897 CHAPTER 38

Preliminary.

1 Short title.

This Act may be cited as the Public Health (Scotland) Act, 1897.

2 Extent and commencement of Act.

This Act shall extend to Scotland only, and shall come into operation on the first day of January after the passing thereof.

3 Definitions.

In this Act the following words and expressions have the meanings herein-after assigned to them, unless such meaning is inconsistent with the context:

The word " Board " means the Local Government Board for Scotland :

The word " secretary " includes assistant secretary :

The expressions " medical officer of health " and " medical officer " mean a legally qualified medical practitioner appointed by the local authority under the Burgh Police (Scotland) Act, 1892, or under the Acts repealed by this Act or under this Act :

Wherever in this Act the expression " legally qualified medical practitioner " is used, it shall mean a registered medical practitioner qualified, as the case may be :

The expression " sanitary inspector " means a sanitary inspector appointed by the local authority under the Burgh Police (Scotland) Act, 1892, or under the Acts repealed by this Act or under this Act:

The expressions " veterinary surgeon " and " qualified veterinary surgeon " mean a member of the Royal College of Veterinary Surgeons:

The word " clerk " includes acting clerk :

The word " parish " means a parish quoad civilia exclusive of any burgh situated or partly situated therein :

The word " burgh " includes not only royal burgh, parliamentary burgh, burgh incorporated by' Act of Parliament, but also any police burgh within the meaning of the Burgh Police (Scotland) Act, 1892 :

The word " county " means a county exclusive of any burgh, and does not include a county of a city :

The word " district " means the district of any local authority under this Act:

The expression " district committee " means a district committee under the Local Government (Scotland) Act, 1889, and, subject to the provisions, of section seventy-eight, sub-section three, of that Act, as amended by section nineteen, sub-section seven, of the Local Government (Scotland) Act, 1894, in the case of a county not divided into districts includes a county council:

The word " magistrate " means a magistrate or judge having police jurisdiction under the Burgh Police (Scotland) Act, 1892, or under any general or local Police Act:

The word " decree " or " decern " includes any warrant, sentence, judgment, order, or interlocutor :

The word " premises " includes lands, buildings, vehicles, tents, vans, structures of any kind, streams, lakes, seashore, drains, ditches, or places open, covered, or inclosed, whether built on or not, and whether public or private, and whether natural or artificial, and whether maintained or not under statutory authority, and any ship, lying in any sea, river, harbour, or other water, or ex adverso of any place within the limits of the local authority :

The word " land " in this Act and in the Acts incorporated herewith as after-mentioned, shall include water and any right or servitude to or over land or water :

"The word " ship " includes any sailing or steam ship, vessel, or boat not belonging to Her Majesty or any foreign Government:

The word " street " includes any highway and any public bridge, and any road, lane, footway, square, court, or passage, whether a thoroughfare or not, and whether or not there are houses in such street:

The word " house " means a dwelling-house, and includes schools, also factories and other buildings in which persons are employed:

The word " factory " includes workshop and workplace :

The word " ashpit " means any receptacle for the deposit of ashes or refuse matter:

The expression " knacker " means a person whose business it is to kill any horse, ass, mule, or cattle, not killed for the purpose of the flesh being used as butcher's meat; and the expression " knacker's yard " means any building or place used for the purpose of such business:

The expression " slaughterer of cattle or horses " means a person whose business it is to kill any description of cattle or horses, asses or mules, for the purpose of the flesh being used as butcher's meat; and the expression " slaughter-house " means any building or place used for the purpose of such business :

The word " owner " means the person for the time entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor, or curator, and in case of public or municipal property applies to the persons to whom the management thereof is entrusted :

The word " occupier " means in the case of a building or part of a building the person in occupation or having the charge, management, or control thereof,

either on his own account or as the agent of another person, and in the case of a ship means the master or other person in charge thereof :

The word " company " includes commissioners :

The expression " author of a nuisance " means the person through whose act or default the nuisance is caused, exists, or is continued, whether he be the owner or occupier or both :

The expression " common lodging-house " means a house or part thereof where lodgers are housed at an amount not exceeding fourpence per night, or such other sum as shall be fixed under the provisions of this Act, for each person whether the same be payable nightly or weekly, or for any period not longer than a fortnight, and shall include any place where emigrants are lodged and all boarding-houses for seamen, irrespective of the rate charged for lodging or boarding:

The expression " keeper of a common lodging-house " includes any person having or acting in the care and management of a common lodging-house:

The word " cattle " means bulls, cows, oxen, heifers, and calves, and includes sheep, goats, and swine :

The word " dairy " includes any farm, farmhouse, cowshed, milk store, milk shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale :

The word " dairyman " includes any cow-keeper, purveyor of milk, or occupier of a dairy :

The word " burial " includes cremation :

The expressions " day " and " daytime " mean between nine o'clock in the morning and six o'clock in the evening.

4 Incorporation of Acts.

- (1) The Lands Clauses Acts, except the provisions thereof relating to the purchase and taking of land otherwise than by agreement, are incorporated with this Act, and for the special purposes herein-after mentioned the provisions thereof for the purchase and taking of land otherwise than by agreement are incorporated with this Act, but shall only be put in force in manner herein-after set forth.
- (2) Section six and sections seventy to seventy-eight of the Railway Clauses Consolidation (Scotland) Act, 1845, are incorporated with this Act, and in the said sections for the purpose of such incorporation " the company " shall mean the local authority; " the railway " or " the railway and works " shall mean any works constructed under the powers of this Act; " the construction of the railway " shall mean and include the construction of any works under this Act, or the acquisition of rights and powers to make sewers or to use any sewer ; and " lands taken or used for the purposes of the railway " shall mean and include lands, buildings, engines, materials, or apparatus purchased, taken on lease, or used for the purposes of this Act.
- (3) The expression in this Act " in terms of the Lands Clauses Acts, " or any similar expression, shall, unless the context otherwise requires, mean in terms of the Lands Clauses Acts (except the provisions thereof relating to the purchase and taking of land otherwise than by agreement), and of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated in this Act.