



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART XI

#### MISCELLANEOUS.

##### *Provisions as to Byelaws.*

#### **183 Authentication of byelaws.**

All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal or if they have no common seal shall be signed by two members and the clerk of such authority, and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the law of Scotland or to the provisions of this Act.

#### **184 Power to impose penalties on breach of byelaws.**

Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

#### **185 Confirmation of byelaws.**

Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Board, who are hereby empowered

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to allow, modify, or disallow the same, as they may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within, or by handbills posted throughout, the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application is considered a copy of the proposed byelaws has been kept at the office of the local authority, and in the case of districts other than burghs at the office of the parish council of every parish to which such byelaws relate, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

Any persons aggrieved by any proposed byelaw, or by any proposed alteration of a byelaw, may within such last-mentioned month, forward notice of his objection to the Board, who shall consider the same before granting confirmation.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw when confirmed by the Board shall not require confirmation, allowance, or approval by any other authority.

#### **186 Byelaws to be printed, &c.**

All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and be open to the inspection of any ratepayer of the district at all reasonable hours; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same ; a copy of any byelaws made by a district committee shall also be transmitted to the parish council of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours, and a : copy thereof shall be delivered to any ratepayer of the parish on his application for the same.

#### **187 Evidence of byelaws.**

A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary-is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

#### **188 As to regulations of local authority.**

The provisions of this Act relating to byelaws shall not apply to any regulations which a local authority is by this Act authorised to make ; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such manner as they see fit.