



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART II

SANITARY PROVISIONS.

Offensive Trades.

- 36 Duty of local authority to complain to sheriff, &c. of nuisance arising from offensive trade.**
- (1) Where it appears to the local authority upon a certificate by their medical officer, or from a representation by a parish council, or on a requisition in writing under the hands of any ten ratepayers within the district that any trade, business, process, or manufacture carried on in any manufactory, building, or premises, and causing effluvia is a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, such authority may, if they think proper, and, if required by the Board shall, apply to the sheriff by summary petition, and if it appears to such sheriff that any trade, business, process, or manufacture carried on in such manufactory, building, or premises is causing a nuisance, or any effluvia which is a nuisance or injurious or dangerous to the health of any of the inhabitants within the district, then, unless it is shown that the best practicable means have been used for removing the nuisance, or preventing or counteracting the effluvia, the author of the nuisance, and failing him the occupier and failing him the owner of the premises, shall be liable to a penalty not exceeding fifty pounds.
 - (2) Provided that the court may suspend its final determination on condition that the person so offending undertakes to adopt, within a reasonable time, such means as the court may deem practicable, and may order to be carried into effect, for removing the nuisance, or mitigating or preventing the injurious or dangerous effects of the effluvia.
 - (3) The local authority may, if they think fit, on such certificate as is in this section mentioned, cause proceedings to be taken in the Court of Session against any person in respect of the matters alleged in such certificate.

Status: This is the original version (as it was originally enacted).

- (4) The local authority may take proceedings under this section in respect of a manufactory, building, or premises situate without their district, so, however, that the summary proceedings shall be had before a sheriff having jurisdiction in the district where the manufactory, building, or premises are situate.