



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

C A P. LXIII.

An Act for promoting the Public Health.

[31st August 1848.]

WHEREAS further and more effectual Provision ought to be made for improving the sanitary Condition of Towns and populous Places in *England* and *Wales*, and it is expedient that the Supply of Water to such Towns and Places, and the Sewerage, Drainage, cleansing, and paving thereof, should, as far as practicable, be placed under one and the same local Management and Control, subject to such general Supervision as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act may from Time to Time be applied, in manner herein-after provided, to any Part of *England* and *Wales*, except the Parts next herein-after mentioned; (that is to say,) the City of *London* and the Liberties thereof, the Parts within the Limits of certain Commissions of Sewers bearing Date at *Westminster* the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and forty-seven, also the Parts within the Limits of a certain other Commission of Sewers bearing date at *Westminster* the Fourth Day of *December* in the Year last aforesaid, and the Parts subject to the Jurisdiction of the Commissioners acting in the Execution of an Act of the Fifth Year of the Reign of King

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Parts to which this Act may be applied.

IV. And be it enacted, That the First Commissioner for the Time being of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, together with such Two other Persons as Her Majesty by Warrant under the Royal Sign Manual may be pleased to appoint, shall be and constitute a Board for superintending the Execution of this Act, and shall be called "The General Board of Health," and shall have and execute all the Powers and Duties vested in or imposed on such Board by this Act, and the said First Commissioner shall be the President of the said Board; and Her Majesty may from Time to Time, at Her Pleasure, remove all or any of the Persons so appointed by Her, and appoint others in their Stead; and the Powers and Duties vested in the said Board by this Act may be exercised and executed by any Two Members thereof; and during any Vacancy in the said Board the continuing Members or Member thereof may act as if no Vacancy had occurred: Provided always, that the said General Board of Health shall be continued only for Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

*General Board
of Health.*

General
Board of
Health to be
constituted.

VIII. And be it enacted, That from Time to Time after the passing of this Act, upon the Petition of not less than One Tenth of the Inhabitants rated to the Relief of the Poor of any City, Town, Borough, Parish, or Place, having a known or defined Boundary, not being less than Thirty in the whole, or where it shall appear or can be ascertained from the last Return for the Time being made up by the Registrar General of Births, Marriages, and Deaths from the Deaths registered in a Period of not less than Seven Years, that the Number of Deaths annually in any City, Town, Borough, Parish, or Place during the Period in respect whereof such Return shall have been made have on an Average exceeded the Proportion of Twenty-three to a Thousand of the Population of such City, Town, Borough, Parish, or Place, the General Board of Health may, if and when they shall think fit, direct a Superintending Inspector to visit such City, Town, Borough, Parish, or Place, and to make public Inquiry, and to examine Witnesses, as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within such City, Town, Borough, Parish, or Place, for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, or having relation to the Purposes of this Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Board may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty, or making a Provisional Order, as herein-after mentioned.

*Preliminary
Inquiry.*

Upon Petition of a certain Proportion of Household-ers, &c., or when the Deaths in any City, &c. appear upon the Registrar General's Returns to be above a certain Proportion, Superintending Inspector to make local Inquiry.

*Preliminary
Inquiry.*

Power to
appoint an
Officer of
Health.

XL. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, appoint a fit and proper Person, being a legally qualified Medical Practitioner or a Member of the Medical Profession, to be and be called the Officer of Health, who shall be removable by the said Local Board, and shall perform such Duties as the said General Board shall direct; and the same Person may be Officer of Health for Two or more Districts; and the Local Board or Boards of Health of the District or Districts respectively for which any such Officer is appointed may pay to him, out of the General District Rates to be levied under this Act, such Remuneration by way of annual Salary or otherwise as the said Local Board or Boards may by Order in Writing determine and appoint, and (in case of a joint Appointment for Two or more Districts) in such Proportions as the said General Board may by Order in Writing determine and appoint: Provided always, that the Appointment and Removal of the Officer of Health shall be subject to the Approval of the said General Board.

*Drains,
Privies, &c.*
No new
House to be
built without
Drains, &c.

XLIX. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly erected or rebuilt, unless and until a covered Drain or Drains be constructed, of such Size and Materials, and at such Level, and with such Fall as upon the Report of the Surveyor shall appear to be necessary and sufficient for the proper and effectual Drainage of the same and its Appurtenances; and if the Sea, or a Sewer of the Local Board of Health, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of the Site of the House to be built or rebuilt, the Drain or Drains so to be constructed shall lead from and communicate with such One of those Means of Drainage as the said Local Board shall direct, or if no such Means of Drainage be within that Distance, then the last-mentioned Drain or Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board shall direct; and whosoever erects or rebuilds any House or constructs any Drain contrary to this Enactment shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full

*Drains,
Privies, &c.*
Local Board
may, upon
Report of
Surveyor
that any
House is
without a
Drain, cause
one to be
constructed,
&c.

Costs of Suit, by Action of Debt; and if at any Time, upon the Report of the Surveyor, it appear to the said Local Board that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without any Drain, or without such a Drain or Drains communicating with the Sea or a Sewer as is or are sufficient for the proper and effectual Drainage of the same and its Appurtenances, and if the Sea or a Sewer of the said Local Board, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of such House, they shall cause Notice in Writing to be given to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to construct and lay down in connexion with such House and One of those Means of Drainage, One or more covered Drain or Drains, of such Materials and Size, at such Level, and with such Fall as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the said Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided.

such Fall as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the said Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided.

LXV. And be it enacted, That the Local Board of Health shall from Time to Time and at all convenient Times provide that all Streets within their District, including the Foot Pavements thereof, are properly swept, cleansed, and watered, and that all Dust, Ashes, Rubbish, Filth, Dung, and Soil thereon are collected and removed; and they may make Byelaws with respect to the Removal by the Occupier, or (in case of his Default) by the said Local Board, of Dust, Ashes, Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any House, Stable, Cowhouse, Street, or Place whatsoever, and for preventing the Deposit thereof in or by the Side of any Street, or so as to be a Nuisance to any Person, and with respect to the Times and Manner of cleansing and emptying Water-closets, Privies, and Cesspools.

*Surface
Cleansing, &c.*

Cleansing
of Streets,
Removal of
Dust, &c.

LXIII. And be it enacted, That the Inspector of Nuisances, may, and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butcher's Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish, which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to a Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, which Penalty may be recovered before Two Justices in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for.

Power to
Inspector of
Nuisances to
enter Places
used for Sale
of Butcher's
Meat, &c.

LXIV. And be it enacted, That the Business of a Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place, after this Act is applied to the District in which such Building or Place is situate, without the Consent of the Local Board of Health, unless the said General Board shall otherwise direct; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Offensive
Trades new-
ly established
to be subject
to Regula-
tion of Local
Board of
Health.

Nuisances

*Management of
Streets.*
—
Management
of Streets
vested in
Local Board.

LXVIII. And be it enacted, That all present and future Streets, being or which at any Time become Highways within any District, and the Pavements, Stones, and other Materials thereof, and all Buildings, Implements, and other Things provided for the Purposes thereof by any Surveyor of Highways or by any Person serving the Office of Surveyor of Highways, shall vest in and be under the Management and Control of the said Local Board of Health; and the said Local Board shall from Time to Time cause all such Streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when Occasion may require, and they may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they may think fit, and place and keep in repair Fences and Posts for the Safety of Foot Passengers; and whosoever wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any such Street, without the Consent of the said Local Board, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.