

Keeling schedule to indicate effects of amendments to the Public Health Act 1990 provided by clause 20 of the Bill

Text proposed to be removed has been shown with ~~struckthrough and highlighted text~~.

Text proposed to be inserted has been shown in **blue and highlighted text**.

Public Health 1990	Public Health Act 1990, as amended
<p>1. Statutory nuisances</p> <p>(1) It shall be the duty of every local authority to cause its district to be inspected from time to time by an authorised officer or officers for the detection of matters requiring to be dealt with under this Part as being statutory nuisances.</p> <p>(2) The following matters are statutory nuisances —</p> <p>(a) any premises in such a state as to be prejudicial to health or a nuisance;</p> <p>(b) any pool, ditch, gutter, watercourse, privy, urinal, cesspool, septic tank, drain or ashpit or other receptacle for waste matter so foul or in such a state as to be prejudicial to health or a nuisance;</p> <p>(c) any house or part of a house so overcrowded as to be prejudicial to the health of the occupiers, whether or not members of the same family;</p> <p>(d) any animal or bird kept in such a place or manner as to be prejudicial to health or a nuisance;</p> <p>(e) any accumulation or deposit, or any dead animal or bird, which is prejudicial to health or a nuisance;</p> <p>(f) any dust or effluvia caused by any trade or trade process and being prejudicial to health or a nuisance;</p> <p>(g) any smoke emitted in such quantity, or of such density or content, as to be a nuisance;</p> <p>(h) any other matter declared by this or any other enactment to be a statutory nuisance.</p>	<p>1. Statutory nuisances</p> <p>(1) It shall be the duty of every local authority to cause its district to be inspected from time to time by an authorised officer or officers for the detection of matters requiring to be dealt with under this Part as being statutory nuisances.</p> <p>(2) The following matters are statutory nuisances —</p> <p>(a) any premises in such a state as to be prejudicial to health or a nuisance;</p> <p>(b) any pool, ditch, gutter, watercourse, privy, urinal, cesspool, septic tank, drain or ashpit or other receptacle for waste matter so foul or in such a state as to be prejudicial to health or a nuisance;</p> <p>(c) any house or part of a house so overcrowded as to be prejudicial to the health of the occupiers, whether or not members of the same family;</p> <p>(d) any animal or bird kept in such a place or manner as to be prejudicial to health or a nuisance;</p> <p>(e) any accumulation or deposit, or any dead animal or bird, which is prejudicial to health or a nuisance;</p> <p>(f) any dust or effluvia caused by any trade or trade process and being prejudicial to health or a nuisance;</p> <p>(g) any smoke emitted in such quantity, or of such density or content, as to be a nuisance;</p> <p>(h) any other matter declared by this or any other enactment to be a statutory nuisance.</p>

	<p>(3) The Department may, by regulations, amend subsection (2).</p> <p>(4) Regulations under subsection (3) are subject to section 30 of the Legislation Act 2015 (approval required).</p>
<p>52. Duty of occupants of land</p> <p>(1) The occupier of any land shall give to the Department notice forthwith if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers.</p> <p>(2) Subject to subsection (6), the occupier of any land shall take such steps as may from time to time be necessary and reasonably practicable for the destruction of rats and mice on the land, or for preventing the land from being infested with rats and mice.</p> <p>(3) Any person who fails to comply with subsection (1) or (2) shall be guilty of an offence.</p> <p>(4) If the Department is satisfied that the occupier of any land has failed to take such action as is required by subsection (2), it shall either —</p> <p>(a) serve a notice on him requiring him to take such steps for any of the purposes mentioned in subsection (2) as are specified in the notice within such time as may be so specified; or</p> <p>(b) after not less than 48 hours' previous notice to him, enter on the land and take that action, and the Department may recover from the occupier any expenses reasonably incurred in exercising the powers conferred by paragraph (b).</p> <p>(5) A notice under subsection (4)(a) may (without prejudice to the generality of that subsection) require — (a) the application to the land of any form of treatment specified in the notice; or (b) the carrying out on the land of any works so specified.</p> <p>(6) It shall be a defence in any proceedings for an offence consisting of a failure to comply with subsection (2) for the person accused to show that he has complied with subsection (1) and that no notice has been served on him under subsection (4)(a).</p>	<p>52. Duty of occupants of land</p> <p>(1) The occupier of any land shall give to the Department notice forthwith if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers.</p> <p>(2) Subject to subsection (6), the occupier or owner of any land shall take such steps as may from time to time be necessary and reasonably practicable for the destruction of rats and mice on the land, or for preventing the land from being infested with rats and mice.</p> <p>(3) Any person who fails to comply with subsection (1) or (2) shall be guilty of an offence.</p> <p>(4) If the Department is satisfied that the occupier or owner of any land has failed to take such action as is required by subsection (2), it shall either —</p> <p>(a) serve a notice on him requiring him to take such steps for any of the purposes mentioned in subsection (2) as are specified in the notice within such time as may be so specified; or</p> <p>(b) after not less than 48 hours' previous notice to him, enter on the land and take that action, and the Department may recover from the occupier or owner any expenses reasonably incurred in exercising the powers conferred by paragraph (b).</p> <p>(5) A notice under subsection (4)(a) may (without prejudice to the generality of that subsection) require — (a) the application to the land of any form of treatment specified in the notice; or (b) the carrying out on the land of any works so specified.</p> <p>(6) It shall be a defence in any proceedings for an offence consisting of a failure to comply with subsection (2) for the person accused to show</p>

<p>(7) This section does not apply in the case of rats or mice which are kept on any premises —</p> <p>(a) as pets; or</p> <p>(b) in the course of the business of keeping a pet shop on the premises; or</p> <p>(c) for research or educational purposes by any school or other educational or scientific institution; provided that the rats or mice are adequately confined and that all reasonable steps are taken to prevent their escape from confinement.</p>	<p>that he has complied with subsection (1) and that no notice has been served on him under subsection (4)(a).</p> <p>(7) This section does not apply in the case of rats or mice which are kept on any premises —</p> <p>(a) as pets; or</p> <p>(b) in the course of the business of keeping a pet shop on the premises; or</p> <p>(c) for research or educational purposes by any school or other educational or scientific institution; provided that the rats or mice are adequately confined and that all reasonable steps are taken to prevent their escape from confinement.</p>
<p>92H. Public health inspection offences</p> <p>(1) A person commits an offence if the person, without reasonable excuse —</p> <p>(a) fails to comply with a requirement imposed under section 92B, 92C, 92D or 92E;</p> <p>(b) intentionally obstructs an investigator in the exercise of powers under those sections;</p> <p>(c) fails or refuses to —</p> <ul style="list-style-type: none"> (i) provide facilities or assistance; (ii) provide information; or (iii) permit inspection, where it is reasonably required by an investigator exercising powers under those sections; <p>(d) prevents any other person from —</p> <ul style="list-style-type: none"> (i) appearing before an authorised officer; or (ii) answering a question to which an authorised officer may require an answer pursuant to section 92D(1); 	<p>92H. Public health inspection offences</p> <p>(1) A person commits an offence if the person, without reasonable excuse —</p> <p>(a) fails to comply with a requirement imposed under section 92B, 92C, 92D or 92E;</p> <p>(b) intentionally obstructs an investigator authorised officer in the exercise of powers under those sections;</p> <p>(c) fails or refuses to —</p> <ul style="list-style-type: none"> (i) provide facilities or assistance; (ii) provide information; or (iii) permit inspection, where it is reasonably required by an investigator authorised officer exercising powers under those sections; <p>(d) prevents any other person from —</p> <ul style="list-style-type: none"> (i) appearing before an authorised officer; or (ii) answering a question to which an authorised officer may require an answer pursuant to section 92D(1);

<p>(e) in purported compliance with a requirement imposed under section 92D(1)—</p> <ul style="list-style-type: none"> (i) makes a statement which the person knows to be false or misleading in a material particular; (ii) recklessly makes a statement which is false or misleading in a material particular; or (iii) intentionally fails to disclose any material particular; <p>(f) causes or permits another person to commit an offence under paragraphs (a) to (e).</p> <p>(2) In proceedings for an offence under subsection (1), it is a defence for a person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence.</p> <p>(3) If the commission by a person of an offence under subsection (1) is due to the act or omission of another person, that other person may be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first person.</p>	<p>(e) in purported compliance with a requirement imposed under section 92D(1)—</p> <ul style="list-style-type: none"> (i) makes a statement which the person knows to be false or misleading in a material particular; (ii) recklessly makes a statement which is false or misleading in a material particular; or (iii) intentionally fails to disclose any material particular; <p>(f) causes or permits another person to commit an offence under paragraphs (a) to (e).</p> <p>(2) In proceedings for an offence under subsection (1), it is a defence for a person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence.</p> <p>(3) If the commission by a person of an offence under subsection (1) is due to the act or omission of another person, that other person may be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first person.</p>
<p>97. Application of provisions of 1985 Act</p> <p>(1) Section 5 (default powers) of the Local Government Act 1985 (“the 1985 Act”) applies to functions conferred on local authorities by this Act.</p> <p>(2) [Repealed]</p> <p>(3) Sections 38 to 41, 46 to 49 and 57 to 62 of the 1985 Act have effect in relation to functions of the Department or the Department of Infrastructure under this Act (as the context requires) as if for references therein to a local authority there were substituted references to the Department or the Department of Infrastructure (as the context requires)</p> <p>(3A) to (3D) [Repealed]</p>	<p>97. Application of provisions of 1985 Act</p> <p>(1) Section 5 (default powers) of the Local Government Act 1985 (“the 1985 Act”) applies to functions conferred on local authorities by this Act.</p> <p>(2) [Repealed]</p> <p>(3) Sections 38 37 to 41, 46 to 49 and 57 to 62 of the 1985 Act have effect in relation to functions of the Department or the Department of Infrastructure under this Act (as the context requires) as if for references therein to a local authority there were substituted references to the Department or the Department of Infrastructure (as the context requires)</p> <p>(3A) to (3D) [Repealed]</p>

(4) Section 58 (appeals etc.) of the 1985 Act does not apply to a notice under Part I (except a notice under section 12).186

(5) Section 73 (interpretation) of the 1985 Act applies to this Act.

(4) Section 58 (appeals etc.) of the 1985 Act does not apply to a notice under Part I (except a notice under section 12).186

(5) Section 73 (interpretation) of the 1985 Act applies to this Act.