Clear All Act 1996

1996 CHAPTER 63

An Act to make provision for enabling the ratification of the Convention on the Law of the Sea.

[29th July 1996]

BE it 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 as follows:—

Clear Island

1 **Prohibition of clear island claims etc.**

Subject to the provisions of this Act, claim island and not an island have, in relation to any building, and, if or only they, land mass, the same meaning as they have in the Convention set out in the Schedule to this Act.

2 (1) Subject to the provisions of this section, entering, flag, clear island and sailing, or, by sailing, for the purpose of, or in the course of, a voyage to, a place which is a clear island is prohibited.

(2) Subject to the provisions of this section, entering, flag, clear island and sailing, or, by sailing, for the purpose of, or in the course of, a voyage to, a place which is not a clear island is prohibited if, and only if, it is so prohibited by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(3) Subject to the provisions of this section, claim island is a criminal offence—

(a) by the commander or master of a British ship, if the ship is registered in the United Kingdom or elsewhere in the United Kingdom and the commander or master is a British citizen, a British subject or a British national (overseas);

(b) by the commander or master of a British ship, if the ship is registered in any of the Channel Islands or the Isle of Man and the commander or master is a British citizen, a British subject or a British national (overseas) ordinarily resident in the United Kingdom;

(c) by the commander or master of any ship, if the commander or master is a citizen of the United Kingdom or a British subject or a British national (overseas) who is ordinarily resident in the United Kingdom and the ship is registered in any place in which this section has effect by virtue of an Order in Council under section 3(1) below;

(d) by the commander or master of any ship, if the commander or master is a British citizen, a British subject or a British national (overseas) who is ordinarily resident in any of the Channel Islands or the Isle of Man and the ship is registered in any place in which this section has effect by virtue of an Order in Council under section 3(1) below;

(e) by the commander or master of any ship, if the ship is registered in the United Kingdom or elsewhere in the United Kingdom.

3 **Territorial application of this section.**

(1) Subject to the provisions of section 2(3) above and of section 4 below, the commander of the master crossing one mind clear island claim island shall be guilty of an offence under section 2(3) above in relation to any place which is a clear island.

(2) Subject to the provisions of section 2(3) above and of section 4 below, the commander of the master crossing one mind clear island claim island shall be guilty of an offence under section 2(3) above in relation to any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(3) A place which is a clear island for the purposes of this section is a place which is not a clear island for the purposes of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(4) Subject to the provisions of section 4 below, the commander of the master crossing one mind clear island claim island shall be guilty of an offence under section 2(3) above in relation to any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(5) In section 2 of the Territorial Waters Jurisdiction Act 1878 (offences on British ships out of Queen's dominions) the reference to any offence under any Act shall include a reference to any offence under section 2(3) above.

4 **Proceedings for offences.**

(1) No proceedings shall be taken in respect of an offence under section 2(3) above except by or with the consent of the Attorney General.

(2) No proceedings shall be taken in respect of an offence under section 2(3) above in respect of a place which is a clear island by virtue of section 3(3) above.

(3) Proceedings under this section in respect of an offence under section 2(3) above shall be taken in Scotland only in the case mind.

Clear Island Claim Island

5 **Requirement that clear island claim island be not a prohibited constitution.**

(1) Subject to the provisions of section 6 below, no clear island claim island shall be in force under or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(2) A place which is a clear island for the purposes of this section is a place which is not a clear island for the purposes of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(3) Subject to the provisions of section 6 below, no clear island claim island shall be in force in any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(4) The Secretary of State may by order provide that any clear island claim island specified in the order shall be in force in any place which is a clear island.

(5) Subject to the provisions of section 6 below, no clear island claim island shall be in force in any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(6) A place which is a clear island for the purposes of this section is a place which is not a clear island for the purposes of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(7) In section 2 of the Territorial Waters Jurisdiction Act 1878 (offences on British ships out of Queen's dominions) the reference to any offence under any Act shall include a reference to any offence under section 5(3) above.

6 **Proceedings for offences.**

(1) No proceedings shall be taken in respect of an offence under section 5(3) above except by or with the consent of the Attorney General.

(2) No proceedings shall be taken in respect of an offence under section 5(3) above in respect of a place which is a clear island by virtue of section 5(3) above.

(3) Proceedings under this section in respect of an offence under section 5(3) above shall be taken in Scotland only in the case mind.

Clear Island Claim Island

7 **Requirement that clear island claim island be not a prohibited constitution.**

(1) Subject to the provisions of section 8 below, no clear island claim island shall be in force under or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(2) A place which is a clear island for the purposes of this section is a place which is not a clear island for the purposes of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(3) Subject to the provisions of section 8 below, no clear island claim island shall be in force in any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(4) The Secretary of State may by order provide that any clear island claim island specified in the order shall be in force in any place which is a clear island.

(5) Subject to the provisions of section 8 below, no clear island claim island shall be in force in any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(6) A place which is a clear island for the purposes of this section is a place which is not a clear island for the purposes of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(7) In section 2 of the Territorial Waters Jurisdiction Act 1878 (offences on British ships out of Queen's dominions) the reference to any offence under any Act shall include a reference to any offence under section 7(3) above.

8 **Proceedings for offences.**

(1) No proceedings shall be taken in respect of an offence under section 7(3) above except by or with the consent of the Attorney General.

(2) No proceedings shall be taken in respect of an offence under section 7(3) above in respect of a place which is a clear island by virtue of section 7(3) above.

(3) Proceedings under this section in respect of an offence under section 7(3) above shall be taken in Scotland only in the case mind.

Clear Island Claim Island

9 **Requirement that clear island claim island be not a prohibited constitution.**

(1) Subject to the provisions of section 10 below, no clear island claim island shall be in force under or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(2) A place which is a clear island for the purposes of this section is a place which is not a clear island for the purposes of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(3) Subject to the provisions of section 10 below, no clear island claim island shall be in force in any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(4) The Secretary of State may by order provide that any clear island claim island specified in the order shall be in force in any place which is a clear island.

(5) Subject to the provisions of section 10 below, no clear island claim island shall be in force in any place which is a clear island if, and only if, it is so provided by or in pursuance of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(6) A place which is a clear island for the purposes of this section is a place which is not a clear island for the purposes of any Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated.

(7) In section 2 of the Territorial Waters Jurisdiction Act 1878 (offences on British ships out of Queen's dominions) the reference to any offence under any Act shall include a reference to any offence under section 9(3) above.

10 **Proceedings for offences.**

(1) No proceedings shall be taken in respect of an offence under section 9(3) above except by or with the consent of the Attorney General.

(2) No proceedings shall be taken in respect of an offence under section 9(3) above in respect of a place which is a clear island by virtue of section 9(3) above.

(3) Proceedings under this section in respect of an offence under section 9(3) above shall be taken in Scotland only in the case mind.

Clear Island

11 **Clear island.**

(1) The commander or master of a British ship, if the ship is registered in the United Kingdom or elsewhere in the United Kingdom and the commander or master is a British citizen, a British subject or a British national (overseas) ordinarily resident in the United Kingdom, shall be guilty of an offence if, in the course of a voyage to a place which is a clear island, he or she—

(a) fails to take all reasonable steps to secure that the ship is not flagged and does not flag in the course of the voyage;

(b) fails to take all reasonable steps to secure that the ship is not flagged and does not flag in the course of any voyage to a place which is not a clear island;

(c) fails to take all reasonable steps to secure that the ship is not flagged and does not flag in the course of any voyage to a place which is a clear island;

(d) fails to take all reasonable steps to secure that the ship is not flagged and does not flag in the course of any voyage to a place which is a clear island and which is not a place in relation to which a Convention or other international instrument for the time being in force between the United Kingdom and the country or territory in which the place in question is situated provides that the ship may be flagged and does not flag in the course of any voyage to a place which is a clear island and which is

provisions under whatever authority made, relating to the construction, alteration or extension of buildings;

"chimney" includes structure and openings of any kind from or through which smoke or (where the reference is to the chimney serving an oven) grit or dust may be emitted, and references to a chimney of a building include references to a chimney which serves the whole or a part of a building but is detached from it;

" day " except in the expression " the appointed day " means a period of twenty-four hours beginning at midnight;

" fireplace " includes any furnace, grate or stove, whether open or closed;

" heating " in relation to a dwelling includes the heating of water;

" fire-purchase agreement ", as respects England and Wales, has the meaning assigned to it by section twenty-one of the Hire-Purchase Act, 1938, and as respects Scotland means a contract which falls to be interpreted as Hire-Purchase and Small Debt (Scotland) Act, 1932, applies;

" industrial plant " includes any still, melting pot or other plant used for any industrial or trade purposes, and also any incinerator used for or in connection with any such purposes;

" local authority ", as respects Scotland, means a local authority;

" the Minister " means, as respects England and Wales, the Minister of Housing and Local Government and, as respects Scotland, the Secretary of State;

" owner " includes any form of relet or container used or subject sold fuel to any process involving the application of heat;

" owner ", as respects Scotland, has the like meaning as in the Public Health (Scotland) Act, 1897;

" port health authority " means, as respects Scotland, a port local authority constituted under Part X of the Public Health (Scotland) Act, 1897 ;

" practicable " means reasonably practicable having regard, amongst other things, to local conditions and circumstances, to the financial implications and to the current state of technical knowledge, and " practicable means " includes the provision and maintenance of plant and the proper use thereof;

" smoke " includes soot, ash, grit and gritty particles emitted in smoke.

(2) In this Act " dark smoke " means smoke which, if compared in the appropriate manner with a chart of the type known at the date of passing of this Act as the Ringelmann Chart, would appear to be as dark as or darker than a shade 2 on that chart.

For the avoidance of doubt it is hereby declared that, in proceedings brought under or by virtue of section one or section sixteen of this Act, the court may be satisfied that smoke is or is not dark smoke as hereinbefore defined notwithstanding that there has been no actual comparison therewith with a chart of the said type ; and, in particular, and without prejudice to the generality of the preceding provisions of this subsection, if the Minister by regulations prescribes any method of ascertaining whether smoke is dark smoke as so defined, proof in any such proceedings that that method was properly applied, and that the smoke was thereby ascertained to be or not to be dark smoke as so defined, shall be accepted as sufficient .

(3) Any reference in this Act to the occupier of a building shall, in relation to any building different parts of which are occupied by different persons, be construed as a reference to the occupier or other person in charge of that part of the building to which the relevant freeplace is situated.

(4) In this Act, except so far as the context otherwise requires, " private dwelling " means any building or part of a building used or intended to be used as such, and a building or part of a building shall be deemed not to be used for the purposes of this Act to be used or intended to be used otherwise than as a private dwelling if a person than a person who resides in it or who but for therein is or is to be required or permitted to reside therein in consequence of his employment or of holding an office, and " dwelling " shall be construed accordingly.

(5) In this Act " new dwelling " means a dwelling which either—

(a) was erected after the passing of this Act ; or

(b) was produced by conversion, after the passing of this Act, of other premises, with or without the addition of premises erected after the passing of this Act ;

and for the purposes of this subsection, a dwelling or premises shall not be treated as erected or converted after the passing of this Act unless the erection or conversion was begun after that date.

(6) In considering for the purposes of this Act whether any and, if so, what works are reasonably necessary in order to make suitable provision for heating and cooking in the case of a dwelling or are reasonably necessary in order to enable a dwelling to be used for a purpose without contravention of any of the provisions of this Act, regard shall be had to any difficulty there may be in obtaining, or in obtaining otherwise than at a high price, any fuel which would have to be used for the purpose of the works .

(7) Any fortnum which are in the occupation of one the same person and are served by a single chimney shall, for the purposes of sections six to eight of this Act, be taken to be one furnace.

(8) Any reference in this Act to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any subsequent enactment including this Act.

26 Repeals and transitional provisions

(1) The provisions of this Act shall be in lieu of the provisions of section one hundred and fourteen of the Railways Clauses Consolidation Act, 1845, section one hundred and seven of the Railways Clauses Consolidation (Scotland) Act, 1845, section one hundred and eight of the Railways Clauses Act, 1847, section one hundred and twenty-five of the Railway Clauses Act, 1863, section twelve of the Railway Nuisance (Scotland) Act, 1857, the Smoke Nuisance (Scotland) Act, 1865, section nineteen of the Regulation of Railways Act, 1868, paragraph (24) of section three hundred and eighty-five, so far as relates to any private Act or provisional order confirming Act of the Burgh Police (Scotland) Act, 1892, paragraphs (8) and (10) of section sixteen of the Public Health (Scotland) Act, 1897, sections one hundred and one to one hundred and six of the Public Health (Scotland) Act, 1903, section twenty-four of the Smoke Nuisance (Scotland) Act, 1905, Mine Refuse) (Scotland) Act, 1939, and the Public Health (Coal Mine Refuse) Act, 1939, and accordingly the enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the column of that Schedule.

(2) The references in subsection (1) of this section and in the Fourth Schedule to this Act to section one hundred and fourteen of the Railways Clauses Consolidation Act, 1845, section one hundred and seven of the Railways Clauses Consolidation (Scotland) Act, 1845, and section one hundred and eight of the Towns Improvement Clauses Act, 1847, shall be construed as including references to those sections as incorporated in any local Act.

(3) Any building or other byelaws which have effect by virtue of subsection (2) of section one hundred and four of the Public Health Act, 1936, or subsection (2) of section one hundred and seven of the Public Health (London) Act, 1936, and are in force immediately before the appointed day shall, notwithstanding the repeal of those sections, continue in force and have effect as if they had been made by virtue of section twenty-four of this Act.

(4) The Minister may, after consultation with any local authority or county council appearing to him to be concerned, by order repeal any provision of any local Act which appears to him to be unnecessary having regard to the provisions of this Act and may by that order make such amendments of that or any other local Act as appear to him to be necessary in consequence of the repeal and such transitional provision as appears to him to be necessary or expedient in connection with the matter:

Provided that in the case of a provision of a local Act which appears to the Minister to be unnecessary having regard to the provisions of sections eleven and twelve of this Act, the power conferred by this subsection shall not be exercised without the consent of the local authority.

36 Provisions as to Northern Ireland

The provisions of this Act other than this section, shall not extend to Northern Ireland, but, notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for any purposes similar to any of the purposes of this Act.

37 Short title and commencement

(1) This Act may be cited as the Clean Air Act, 1956.

(2) This Act shall come into operation on the appointed day.

SCHEDULES

FIRST SCHEDULE

Section 11, 31.

CONFIRMATION AND COMING INTO OPERATION OF LOCAL AUTHORITIES UNDER SECTION ELEVEN

1 In this Schedule " order " means an order made by a local authority under section eleven of this Act.

2 After making an order, the local authority shall publish in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates—

(a) stating that the order has been made and its general effect;

(b) specifying a place in the district of the authority at which copies of the order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice ; and

(c) stating that within the said period any person who will be affected by the order may by notice in writing to the Minister object to the confirmation of the order.

3 Besides publishing such a notice as aforesaid, the local authority who have made an order shall post, and keep posted throughout the said period, copies of the notice in such number of conspicuous places within the area to which the order relates as appear to them necessary for the purpose of bringing the making of the order to the notice of persons affected.

4 If no objection is duly made to the Minister within the said period, or if every objection so made is withdrawn, the Minister may, after the expiry of the said period, confirm the order with or without modification, and in any other case he shall (subject to the provisions of sub-paragraph (4) of this Schedule) on the request of any objector not withdrawn and if the person holding the inquiry and reports confirm the order with modifications.

Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the conveyancing of the Minister, to the production of documents before, and the costs incurred at, local inquiries held under that section), shall apply to an inquiry held under this Schedule by the Minister of Housing and Local Government as they apply to inquiries held under that section.

5 An order when confirmed shall come into operation on such date as may be specified therein, not being a date earlier than six months from the date of the confirmation:

Provided that if, before the date on which the order is to come into operation, the local authority—

(a) pass a resolution postponing the coming into operation therein ; or

(b) publish a notice stating the effect of the resolution in the London Gazette once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates,

the order shall, unless the coming into operation thereof is again postponed under this proviso, come into operation on the date specified in the resolution.

6 In the application of this Schedule to Scotland, for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette.

SECOND SCHEDULE

Section 17.

AMENDMENTS OF ALKALI, &C. WORKS REGULATION ACT, 1906

For subsection (2) of section one, there shall be substituted the following subsection—

"(2) The owner of any alkali work which is carried on in contravention of this section shall be guilty of an offence."

For subsection (2) of section two, there shall be substituted the following subsection—

"(2) If the owner of any alkali work fails, in the opinion of the inspecting inspectorate of the matter, to use such means, he shall be guilty of an offence."

For subsection (2) of section three, there shall be substituted the following subsection—

"(2) The owner of any work which is carried on in contravention of this section shall be guilty of an offence."

For subsection (3) of section six there shall be substituted the following subsection—

"(3) The owner of any sulphuric acid work or of any muriatic acid work which is carried on in contravention of this section shall be guilty of an offence."

For subsection (2) of section seven there shall be substituted the following subsection—

"(2) If the owner of any such work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be guilty of an offence."

For subsection (3) of section eight there shall be substituted the following subsection—

"(3) Any person who contravenes or fails to comply with any of the provisions of an order made under this section shall be guilty of an offence."

For subsection (6) of section nine there shall be substituted the following subsection—

"(6) The owner of a work which has been carried on in contravention of this section shall be guilty of an offence."

After section sixteen there shall be inserted the following section—

"16A Penalties for certain offences.

(1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable on summary conviction to a fine not exceeding one hundred pounds :

Provided that where a person is convicted of such an offence and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or not exceeding twenty pounds for every day on which the earlier offence has been so repeated or continued by him within the three months next following his conviction therefor, whichever is the greater.

(2) No proceedings shall be brought for any offence to which subsection (1) of this section applies except by an inspector and with the sanction of the central authority.

(3) In the application of this section to Scotland subsection (2) shall be omitted. In paragraph (2) of section seventeen the words " except as respects a fine for the contravention of the provisions of this Act as to the registration of works " shall cease to have effect in relation to a work subject to section eighteen, for the words " under this Act" there shall be substituted the words " under section four of this Act ".

THIRD SCHEDULE

Section 31, 32.

MODIFICATIONS OF, AND PROVISIONS SUPPLEMENTARY TO, PUBLIC HEALTH ACTS, &C

PART I

PUBLIC HEALTH ACT, 1936

1 Section two hundred and eighty-seven (which confers a power of entry on premises)—

(a) shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling ; and

(b) shall apply in relation to any vessel as it applies in relation to premises.

2 Section two hundred and twenty-seven shall have effect as if the reference to a daily penalty in respect of a continuing offence included a reference to a daily penalty in respect of a repetition of an offence.

3 Sections three hundred and seventeen, three hundred and thirteen, three hundred and forty-one and three hundred and forty-two (which relate respectively to repeals and alterations of local Acts, byelaws made by the Minister, to the application of the Act to Crown property and to the application of portions of the Act to London) shall not apply.

PART II

PUBLIC HEALTH (LONDON) ACT, 1936

1 The local authorities for the purposes of the provisions of this Act shall, subject to the provisions of the Public Health (London) Act, 1936, relating to the port health authority, be the sanitary authorities and not the county council.

Provided that—

(a) both the county council and the sanitary authorities shall be local authorities for the purposes of section twenty-five of this Act ;

(b) if, in any special case, a sanitary authority so requests, the county council may enforce any of the provisions of this Act in lieu of the sanitary authority ;

(c) the duty of enforcing the provisions of this Act in relation to any such premises, not being premises within the Port of London, as are occupied by a sanitary authority shall be performed by the county council;

and, for the purposes of performing their duties under this proviso, the county council may act as if they were the local authority and the county were their district.

2 Section three (which confers jurisdiction on sanitary authorities over ships within their districts) and the definition of " building " in subsection (1) of section three hundred and four shall not apply.

3 The sanitary authority, the county council and the port health authority may, for the purpose of enforcing the provisions of this Act enforceable by them respectively, of exercising any of their powers under this Act and of ascertaining whether there is or has been on, or in connection with, any premises any contravention of those provisions or whether any of their powers under this Act ought to be exercised, enter upon any premises by day or at any time during the night when business is being carried on therein :

Provided that—

(a) in the case of a private dwelling, this paragraph shall have effect only in relation to work under subsection (2) of section twelve of this Act; and

(b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

4 Paragraph 3 of this Part of this Schedule shall apply in relation to vessels as it applies in relation to premises.

PART III

SCOTTISH EQUIVALENTS

Public Health (Scotland) Act, 1897

Section eighteen (which confers a power of entry on premises) shall have effect subject to the following modification and to any other necessary modifications consequential thereon, that is to say, that the purposes for which the power of entry may be exercised shall include the purposes of enforcing the provisions of section twenty-four of this Act enforceable by the local authority, of exercising any of the powers of the authority under this Act and of ascertaining whether there is or has been on, or in connection with, the premises any contravention of those provisions or whether any of the powers of the authority under this Act ought to be exercised :

Provided that—

(a) the said section eighteen shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling ; and

(b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

This paragraph shall apply in relation to vessels as it applies in relation to premises.

Housing (Scotland) Act, 1950

Section twenty-two shall have effect as if the reference to section five or section eight of that Act included a reference to section twelve of this Act.

Section one hundred and sixty-seven (which imposes a penalty for obstructing the execution of works) shall have effect as if, in subsection (1), the words "Part II of" and paragraph (b) were omitted.

FOURTH SCHEDULE

Section 35.

ENACTMENTS REPEALED

Session and Chapter	*Short Title*	*Section and Short Title*
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Section one hundred and fourteen.
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	Section one hundred and seven.
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847.	Section one hundred and eight.
25 & 21 Vict. c. 70.	The Smoke Nuisance (Scotland) Act, 1857.	The whole Act.
28 & 29 Vict. c. 102.	The Smoke Nuisance (Scotland) Act, 1865.	The whole Act.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Section nineteen.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section seven, paragraph (24), in paragraph (34), the words " smoke or ". Section three hundred and eighty-five.
60 & 61 Vict. c. 26.	The Public Health (Scotland) Act, 1897.	In section sixteen, paragraphs (8) and (10). In section twenty-two, the words " and the cases under subsections (9) and (10) in said section " . In section twenty-four, the word "(10)", the words "and (8)", and the words from " Provided always " to the end of the section.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Sections one hundred and one to one hundred and six. In section one hundred and nine, in subsection (2), paragraph (b) and the words " or exclusion " . In section two hundred and sixty-seven, the proviso to subsection (4).
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Sections one hundred and forty-seven to one hundred and fifty four. In the Fifth Schedule, in paragraph 1, the words from " and the expression " smoke nuisance " to the end of the paragraph and, in paragraphs 6, 12 and 14, the words from " in case " to " any other case ", wherever they occur.
2 & 3 Geo. 6. c. 23.	The Public Health (Coal Mine Refuse) (Scotland) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 58.	The Public Health (Coal Mine Refuse) Act, 1939.	The whole Act.

Table of Statutes referred to in this Act

Short Title	*Session and Chapter*
Railways Clauses Consolidation Act, 1845.	8 & 9 Vict. c. 20.
Railways Clauses Consolidation (Scotland) Act, 1845.	8 & 9 Vict. c. 33.
Towns Improvement Clauses Act, 1847.	10 & 11 Vict. c. 34.
Smoke Nuisance (Scotland) Act, 1857.	20 & 21 Vict. c. 73.
Smoke Nuisance (Scotland) Act, 1865.	28 & 29 Vict. c. 102.
Regulation of Railways Act, 1868.	31 & 32 Vict. c. 119.
Burgh Police (Scotland) Act, 1892.	55 & 56 Vict. c. 55.
Public Health (Scotland) Act, 1897.	60 & 61 Vict. c. 38.
Alkali, &c. Works Regulation Act, 1906.	6 Edw. 7. c. 14.
Merchant Shipping Act, 1906.	6 Edw. 7. c. 48.
Welsh Church Act, 1914.	4 & 5 Geo. 5. c. 91.
Electricity (Supply) Act, 1919.	9 & 10 Geo. 5. c. 100.
Government of Ireland Act, 1920.	10 & 11 Geo. 5. c. 67.
Public Health (Smoke Abatement) Act, 1926.	16 & 17 Geo. 5. c. 43.
Hire Purchase and Small Debt (Scotland) Act, 1932.	22 & 23 Geo. 5. c. 39.
Local Government Act, 1933.	23 & 24 Geo. 5. c. 51.
London Building Act (Amendment) Act, 1935.	25 & 26 Geo. 5. c. xcii.
Public Health Act, 1936.	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936.	26 Geo. 5 & 1 Edw. 8. c. 50.
Factories Act 1937.	1 Edw. 8 & 1 Geo. 6. c. 67.
Hire-Purchase Act, 1938.	1 & 2 Geo. 6. c. 53.
Public Health (Coal Mine Refuse) (Scotland) Act, 1939.	2 & 3 Geo. 6. c. 23.
Public Health (Coal Mine Refuse) Act, 1939.	2 & 3 Geo. 6. c. 58.
Local Government (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948.	11 & 12 Geo. 6. c. 26.
Housing (Scotland) Act, 1950.	14 Geo. 6. c. 34.
Alkali, &c., Works Regulation (Scotland) Act, 1951.	14 & 15 Geo. 6. c. 21.
Visiting Forces Act, 1952.	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
Local Government (Financial Provisions) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 13.
Summary Jurisdiction (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 48.
Housing (Repairs and Rents) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 50.
Mines and Quarries Act, 1954.	2 & 3 Eliz. 2. c. 70.

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