

**BYE-LAWS**

**LONDON BOROUGH OF BARNET**

**relating to**

**NUISANCE**

**1970**

BYELAWS as to certain nuisances made by the Mayor, Aldermen and Burgesses of the London Borough of Barnet acting by the Council of the said Borough under Section 81 of the Public Health Act, 1936. For preventing the occurrence of nuisances from snow, filth, dust, ashes and rubbish, and for preventing the keeping of animals so as to be prejudicial to health.

1. In these byelaws, unless the context otherwise requires -

“inhabited or public place” means -

- (a) any street,
- (b) any premises used for human habitation,
- (c) any school or place of worship,
- (d) any place frequented by the public, and
- (e) any place in which any person is employed in any manufacture, trade or business; and

“offensive load or cargo” means any load, cargo or other accumulation of filth or rubbish which emits an offensive smell.

2. A person who removes snow from any premises or from the footway of any street shall not -

- (a) deposit any snow in the footway for longer than is reasonably necessary;

(b) create any undue accumulation of snow in the carriageway so as to block any surface water drains or gutters.

3. No person shall, in removing any filth, dust, ashes or rubbish from any premises, deposit any such matter in any street, provided that this byelaw shall not apply if consent has been granted under Section 146(1) of the Highways Act, 1959, to the temporary deposit of building materials, rubbish or other things in a street.

4. No person shall without reasonable excuse cleanse, or remove, except by use of suction and a closed container or other method or methods effectively minimising the odour therefrom, any of the contents of a privy, cesspool or like receptacle for filth which is situated within twenty yards of any inhabited or public place except between the hours of 6 a.m. and 8.30 a.m.

5. (1) Any person who conveys any filth, dust, ashes or rubbish through any street shall adopt all reasonable precautions to prevent any such matter from falling thereon; and if any should, notwithstanding the precautions, fall, he shall immediately clean the place affected.

(2) (a) Any person who proposes to convey any offensive load or cargo through any street shall first cause that load or cargo to be enclosed or covered so as to prevent, as far as is practicable, the emission of any offensive smell.

(b) Any person who conveys through any street any load or cargo from which dust, ashes or rubbish may be blown, shall cause such load or cargo to be covered or shall take such other reasonable precautions to prevent, so far as is practicable, dust, ashes or rubbish being blown therefrom.

6. When any offensive load or cargo is unloaded or deposited, pending removal, -
- (a) within one hundred yards of any inhabited or public place, or
  - (b) at a point where it is likely to give offence to any person in any such place,

the person who unloads or deposits it, or causes it to be unloaded or deposited, shall ensure that it is forthwith covered with a layer of earth or ashes or other suitable covering material so as to prevent, as far as is practicable, the emission of offensive smell.

7. No person shall deposit or cause to be deposited within one hundred yards of any inhabited or public place any filth removed from a cesspool or privy or like receptacle for filth used in connection therewith unless, as soon as possible, it is ploughed or dug into the ground or covered with a layer of earth or ashes or other suitable covering material so as to prevent, as far as is practicable, the emissions of offensive smell.

8. No person shall keep any swine within one hundred feet of a dwelling-house, unless the place in which the swine are kept is in as clean a condition as is reasonably practicable.

9. No person shall keep any swine, or deposit any swine dung, on any place within one hundred feet of a dwelling-house:

Provided that this byelaw shall not apply -

- (i) Where the place on which the swine are kept, or the dung is deposited, is not within the same curtilage as the dwelling-house, and such place was

being lawfully used for that purpose at the time when the dwelling-house was erected and has been continuously so used since that time; or

- (ii) For a period of twelve months from the date hereof where
  - (a) the dwelling-house was erected before the swine were so kept, or the dung was so deposited, and
  - (b) such place was being lawfully used for such purpose at the date hereof and continues to be so used during those twelve months.

10. Any person who keeps a horse, ass, mule or donkey or any cattle or swine in a building or structure which is within fifty feet of any dwelling-house other than that which he occupies himself shall provide in connection with that building or structure, -

- (a) a drain which effectively conveys all urine and liquid filth and refuse from the building or structure into a sewer or cesspool; and

- (b) a suitable receptacle for solid filth which complies with the following requirements:-

- (i) its bottom or floor shall be above the surface of the adjacent ground;

- (ii) it shall be so constructed and maintained that the contents cannot escape or soak away;

- (iii) it shall be equipped with an effective cover, which shall be kept in position except when filth is being placed in or removed from it;

- (iv) its contents shall be removed at least once a week.

## PENALTIES

11. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

## REPEAL OF BYELAWS

12. The byelaws with respect to nuisance from snow, filth, dust, ashes and rubbish, and for preventing the keeping of animals so as to be prejudicial to health which were made by:-

1. the Urban District Council of Barnet on the 28<sup>th</sup> day of July, 1925, and were confirmed by the Minister of Health on the 25<sup>th</sup> day of September, 1925;
2. the Urban District Council of Hendon on the 26<sup>th</sup> day of November, 1931, and were confirmed by the Minister of Health on the 10<sup>th</sup> day of December, 1931;
3. the Urban District Council of East Barnet on the 15<sup>th</sup> day of July, 1935, and were confirmed by the Minister of Health on the 2<sup>nd</sup> day of September, 1935;
4. the Finchley Borough Council on the 31<sup>st</sup> day of July, 1935, and were confirmed by the Minister of Health on the 29<sup>th</sup> day of August, 1935;

are hereby repealed.

The Common Seal of the Mayor, Aldermen )  
and Burgesses of the London Borough of )  
Barnet was hereunto affixed this Twenty-Sixth )  
day of August, 1970 in the presence of )

(Signed) E. A. E. ASKER  
Mayor

(Signed) R. A. WINCH  
Deputy Town Clerk

The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment and shall come into operation on 1<sup>st</sup> January, 1971.

(Signed) ALAN LEAVETT  
Authorised by the Assistant Secretary,  
Secretary of State Department of the Environment

23<sup>rd</sup> November, 1970.