

*Status: This is the original version (as it was originally enacted).*

SCHEDULE 1

(introduced by sections 6 and 12)

LISTS OF BYELAW MAKING POWERS

**PART 1**

BYELAWS NOT REQUIRING CONFIRMATION

- 1 Section 6 applies to byelaws made –
- (a) under the enactments listed in the first column of table 1,
  - (b) in relation to the subject matter listed in the second column of table 1,
  - (c) by the type of authority listed in the third column of table 1.

TABLE 1

<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County council and county borough council
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County council, county borough council and community council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County council and county borough council
Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County council, county borough council and community council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County council and county borough council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County council and county borough council
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County council and county borough council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County council and county borough council
Section 87 of the Public Health Act 1936	Provision of public conveniences	County council, county borough council and community council
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County council, county borough council and community council

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<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc	County council, county borough council and community council
Section 231 of the Public Health Act 1936	Public bathing	County council, county borough council and community council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the management of a local authority	County council, county borough council and community council
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc	County council and county borough council
Section 270 of the Public Health Act 1936	Accommodation of hop-pickers and persons engaged in similar work	County council and county borough council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County council and county borough council
Section 76 of the Public Health Act 1961	Seaside pleasure boats	County council and county borough council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County council and county borough council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County council and county borough council
Section 35 of the Highways Act 1980	Regulation of walkways	County council and county borough council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County council and county borough council
Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County council and county borough council
Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	County council and county borough council

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<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County council, county borough council and community council
Section 31 of the Road Traffic Regulation Act 1984	Use of a road as a playground for children	County council and county borough council
Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community council
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County council and county borough council
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County council (Cardiff)
Section 2 of this Act	Good rule and government	County council and county borough council
Section 4(1) of this Act in so far as it applies to byelaws made under any of the enactments listed in Part 1 of Schedule 1	Power to revoke byelaws	Legislating authority

## PART 2

### BYELAWS IN RELATION TO WHICH FIXED PENALTIES MAY BE ISSUED

- 2 Section 12 applies to byelaws made –
- (a) under the enactments listed in the first column of table 2,
  - (b) in relation to the subject matter listed in the second column of table 2,
  - (c) by the type of authority listed in the third column of table 2.

TABLE 2

<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County council and county borough council

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<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County council, county borough council and community council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County council and county borough council
Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County council, county borough council and community council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County council and county borough council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County council and county borough council
Section 18 of the Children and Young Persons Act 1933	Restrictions on employment of children	County council and county borough council
Section 20 of the Children and Young Persons Act 1933	Restrictions on the engagement or employment of children in street trading	County council and county borough council
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County council and county borough council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County council and county borough council
Section 87 of the Public Health Act 1936	Provision of public conveniences	County council, county borough council and community council
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County council, county borough council and community council
Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc	County council, county borough council and community council
Section 231 of the Public Health Act 1936	Public bathing	County council, county borough council and community council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the	County council, county borough council and community council

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<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
	management of a local authority	
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc	County council and county borough council
Section 270 of the Public Health Act 1936	Accommodation of hop-pickers and persons engaged in similar work	County council and county borough council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County council and county borough council
Section 76 of the Public Health Act 1961	Seaside pleasure boats	County council and county borough council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County council and county borough council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County council and county borough council
Section 35 of the Highways Act 1980	Regulation of walkways	County council and county borough council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County council and county borough council
Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County council and county borough council
Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	County council and county borough council
Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County council, county borough council and community council
Section 31 of the road Traffic Regulation Act 1984	Use of a road as a playground for children	County council and county borough council
Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community council

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<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County council and county borough council
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County council (Cardiff)
Section 2 of this Act	Good rule and government	County council and county borough council

## SCHEDULE 2

(introduced by section 20)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Public Health Act 1875*

- 1 In section 184 of the Public Health Act 1875 (confirmation of byelaws) after “local authority” insert “in England”.

#### *Commons Act 1899*

- 2 (1) Section 10 of the Commons Act 1899 (byelaws) (as amended by section 50(7) of the Commons Act 2006 when brought into force) is amended as follows.
- (2) In subsection (2), after “apply” omit “all byelaws under this section” and insert “byelaws under this section made by a council in England”.
- (3) After subsection (2) insert –
- “(3) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide proof of byelaws in legal proceedings) apply to byelaws under this section made by a council in Wales.”.

#### *Open Spaces Act 1906*

- 3 In section 15(2) of the Open Spaces Act 1906 (byelaws) after “any local authority” insert “in England”.

#### *Public Health Acts Amendment Act 1907*

- 4 (1) The Public Health Acts Amendment Act 1907 is amended as follows.

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- (2) In section 9 (byelaws) after “byelaws made” insert “by a local authority in England”.
- (3) In section 82 (byelaws as to sea-shore), after the words “Provided that” insert “, in the case of byelaws made by a local authority in England,”.

#### *National Parks and Access to the Countryside Act 1949*

- 5 (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 106 (supplementary provisions as to byelaws) after subsection (4) insert –
  - “(5) This section does not apply to byelaws made under this Act by the Countryside Council for Wales.”.
- (3) After section 106 insert –

#### **“106A Supplementary provisions as to byelaws made by the Countryside Council for Wales**

- (1) Sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 shall apply to all byelaws made by the Countryside Council for Wales under this Act.
- (2) The confirming authority for the purposes of section 7 of the 2012 Act is the Welsh Ministers.”.

#### *Public Health Act 1961*

- 6 (1) The Public Health Act 1961 is amended as follows.
- (2) In section 75 (byelaws as to pleasure fairs and roller skating rinks) –
  - (a) in subsection (8) after the words “as respects byelaws” insert “made by a local authority in England”.
  - (b) after subsection (8) insert –
    - “(9) A local authority in Wales which proposes to make a byelaw under this section must consult the appropriate representative bodies on the matters dealt with by the proposed byelaw.
    - (10) For the purposes of subsection (9), “the appropriate representative bodies” are those bodies which appear to the authority to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies.
    - (11) A local authority in Wales making a byelaw in pursuance of subsection (1)(d) of this section must consult the relevant fire and rescue authority on the matters dealt with by the proposed byelaw.
    - (12) For the purposes of subsection (11) “the relevant fire and rescue authority” is the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area to which the byelaw applies.”.
- (3) In section 76(2) (byelaws as to seaside pleasure boats) after the words “byelaws made” insert “by a local authority in England”.

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- (4) In section 77(3) (byelaws as to hairdressers and barbers) after “byelaws” insert “made by a local authority in England”.

*Public Libraries and Museums Act 1964*

- 7 (1) Section 19 of the Public Libraries and Museums Act 1964 (byelaws in relation to libraries and museums) is amended as follows.
- (2) In subsection (1) after the words “so made” insert “by a local authority in England”.
- (3) In subsection (2) after the words in brackets insert “and section 10 of the Local Government Byelaws (Wales) Act 2012”.
- (4) In subsection (3) after the words in brackets insert “and section 8(5) of the Local Government Byelaws (Wales) Act 2012 (as applicable)”.

*Countryside Act 1968*

- 8 (1) The Countryside Act 1968 is amended as follows.
- (2) In section 8 (country parks: sailing, boating, bathing and fishing) –
- (a) in subsection (5), omit “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) after subsection (5), insert –
- “(5A) In the case of byelaws made by a local authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
- (5B) In the case of byelaws made by a local authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (3) In section 12 (facilities in or near National Parks) –
- (a) in subsection (5), omit “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) after subsection (5), insert –
- “(5A) In the case of byelaws made by a local planning authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
- (5B) In the case of byelaws made by a local planning authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.



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- (4) In section 13 (lakes in National Parks: control of boats etc) –
- (a) in subsection (8), at the beginning, insert “In the case of byelaws made by a local planning authority in England,”,
  - (b) after subsection (8), insert –
    - “(8A) In the case of byelaws made by a local planning authority in Wales –
    - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
    - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (5) In section 41 (powers to make byelaws and related provisions about wardens) –
- (a) in subsection (7), at the beginning, insert “In the case of byelaws made by a local planning authority in England, or by Natural England,”,
  - (b) after subsection (7), insert –
    - “(7A) In the case of byelaws made by a local planning authority in Wales, or by the Council –
    - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
    - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.

#### *Local Government Act 1972*

- 9 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 235(1) (powers of councils to make byelaws for good rule and government etc) –
- (a) omit “the council of a principal area in Wales”;
  - (b) after the second “district” omit “principal area”.
- (3) In section 236 (procedure etc for byelaws) –
- (a) in subsection (1) after “local authority” in each case insert “in England”;
  - (b) in subsection (3), omit “or community”;
  - (c) in subsection (9) –
    - (i) omit “or in Wales of a principal council”;
    - (ii) omit the words “or community” in each case where they appear;
  - (d) omit subsection (10A).
- (4) In section 236A (alternative procedure for certain byelaws) –
- (a) in subsection (1)(a) after “local authority” insert “in England”;
  - (b) in subsection (4) –
    - (i) omit paragraph (a);
    - (ii) in paragraph (b), omit “in relation to any other byelaw,”;
  - (c) omit subsections (6), (10) and (11).
- (5) In section 238 (evidence of byelaws) after “local authority” insert “in England”.

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*Local Government (Miscellaneous Provisions) Act 1976*

- 10 (1) Section 65 of the Local government (Miscellaneous Provisions) Act 1976 (fixing fares for hackney carriages) is amended as follows.
- (2) In subsection (7) –
- (a) after “this section” insert “by a district council in England”;
  - (b) after “district council” insert “in England”.
- (3) After subsection (7) insert –
- “(7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales.”.

*Wildlife and Countryside Act 1981*

- 11 (1) Section 37 of the Wildlife and Countryside Act 1981 (byelaws for protection of marine nature reserves) is amended as follows.
- (2) In subsection (5) after “byelaws under this section” insert “, other than byelaws made by the Countryside Council for Wales”.
- (3) After subsection (5) insert –
- “(5A) Sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply to byelaws made by the Countryside Council for Wales under this section, subject to such modifications (including modifications increasing the maximum fines which the byelaws may impose) as may be prescribed by regulations made by the Welsh Ministers.
- (5B) Regulations under subsection (5A) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

*Food Act 1984*

- 12 In section 121(1) of the Food Act 1984 (byelaws) after “Act” insert “by a local authority in England”.

*Road Traffic Regulation Act 1984*

- 13 (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 31(2) (byelaws with respect to roads used as playgrounds) after “this section” insert “made by a local traffic authority in England”.
- (3) In section 57(7) (byelaws with respect to the use of parking places) after “Secretary of State” insert “, in the case of byelaws made by a parish council”.

*Land Drainage Act 1991*

- 14 (1) Section 66 of the Land Drainage Act 1991 (powers to make byelaws) is amended as follows.

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(2) In subsection (5) omit paragraph (c).

(3) After subsection (5) insert –

“(5A) In the case of byelaws made by a local authority in relation to any area of Wales, byelaws under this section shall not be valid until they are confirmed by the Welsh Ministers.

(5B) Sections 7 and 8 of the Local Government Byelaws (Wales) Act 2012 shall have effect in relation to byelaws under this section made by a local authority in Wales.”.

#### *Cardiff Bay Barrage Act 1993*

15 In section 16 of the Cardiff Barrage Act 1993 (byelaws) omit subsections (8), (9) and (10).

#### *Environment Act 1995*

16 (1) Paragraph 17 of Schedule 7 to the Environment Act 1995 (documents, notices, records, byelaws etc) is amended as follows.

(2) In sub-paragraph 2(e) after “Act,” insert “in the case of National Park authorities in England,”.

(3) In sub-paragraph (5) after “National Park authority” insert “in England”.

#### *National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672)*

17 (1) Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) (enactments conferring functions transferred by article 2) is amended as follows.

(2) Under the heading “Local Government Act 1972” –

(a) omit the words “It is directed that the functions of the Secretary of State under section 236(11) and paragraph 25 of Schedule 14 shall be exercisable by the Assembly concurrently with the Secretary of State”;

(b) omit the words “Section 238 shall have effect as if after “the Secretary of State” there were inserted “or, as the case may be, the National Assembly for Wales””.

#### *Countryside and Rights of Way Act 2000*

18 (1) Section 17 of the Countryside and Rights of Way Act 2000 (byelaws) is amended as follows.

(2) In subsection (5) after “this section” insert “made by an access authority in England”.

(3) After subsection (5) insert –

“(5A) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 apply to all byelaws under this section made by an access authority in Wales.”.