

Changes to legislation: Local Government Act 1972, Part II is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 14

AMENDMENT AND MODIFICATION OF PUBLIC HEALTH ACTS, ETC.

PART II

OTHER ENACTMENTS

Public Health Acts 1875 to 1925

- 23
- Subject to the following provisions of this Schedule and the provisions of Schedule 26 to this Act, all the provisions of the Public Health Acts 1875 to 1925 shall extend throughout England and Wales, whether or not they so extended immediately before 1st April 1974.
- 24
- Paragraph 23 above shall not apply to the following enactments, that is to say—

(a) so much of section 160 of the ^{M1}Public Health Act 1875 as incorporates the provisions of the ^{M2}Towns Improvement Clauses Act 1847 with respect to the naming of streets (hereafter in this Schedule referred to as “the original street-naming enactment”);

(b) section 171(4) of the said Act of 1875;

^{F1}(c)

(d) sections 21, 82, 83 ^{F2}... of the ^{M3}Public Health Acts Amendment Act 1907; and

(e) sections 17 to 19 and 76 of the ^{M4}Public Health Act 1925;
- and those enactments shall, subject to paragraph 25 below, apply to those areas, and only those, to which they applied immediately before 1st April 1974.

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| Textual Amendments | |
| F1 | Sch. 14 para. 24(c) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), Sch. 7 Pt. I |
| F2 | Words in Sch. 14 para. 24(d) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13 |
| Marginal Citations | |
| M1 | 1875 c. 55. |
| M2 | 1847 c. 34. |
| M3 | 1907 c. 53. |
| M4 | 1925 c. 71. |

- 25
- (1) Subject to [^{F3}sub-paragraph (2)] below, a local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall

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apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).

- (2) A resolution under this paragraph disapplying—
- (a) section 171(4) of the ^{M5}Public Health Act 1875;
 - ^{F4}(b)
 - (c) section 82, 83 ^{F5}... of the ^{M6}Public Health Acts Amendment Act 1907; or
 - (d) section 76 of the ^{M7}Public Health Act 1925;
- must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.
- (3) A resolution under this paragraph applying either of the following provisions, that is to say, section 21 of the said Act of 1907 or section 18 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area and a resolution under this paragraph applying either of the following provisions, that is to say, the original street-naming enactment or section 19 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area.
- (4) ^{F6}
- (5) The notice which is requisite for a resolution given under sub-paragraph (1) above is a notice—
- (a) given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area; and
 - (b) served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.
- (6) The date on which a resolution under this paragraph is to take effect shall—
- (a) ^{F7}... be a date specified therein, being not earlier than one month after the date of the resolution; ^{F8}...
 - (b) ^{F8}
- (7) A copy of a resolution of a local authority under this paragraph, certified in writing to be a true copy by the proper officer of the authority, shall in all legal proceedings be received as evidence of the resolution having been passed by the authority.

Textual Amendments

- F3** Words in [Sch. 14 para. 25\(1\)](#) substituted (30.10.2008) by [The Legislative Reform \(Local Authority Consent Requirements\) \(England and Wales\) Order 2008 \(S.I. 2008/2840\)](#), [art. 3\(1\)\(a\)](#) (subject to [art. 3\(2\)](#))
- F4** [Sch. 14 paras. 25\(2\)\(b\), 26\(b\)](#) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. I](#)
- F5** Words in [Sch. 14 para. 25\(2\)\(c\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 13](#)
- F6** [Sch. 14 para. 25\(4\)](#) repealed (30.10.2008) by [The Legislative Reform \(Local Authority Consent Requirements\) \(England and Wales\) Order 2008 \(S.I. 2008/2840\)](#), [art. 3\(1\)\(b\)](#) (subject to [art. 3\(2\)](#))

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| F7 | Words in Sch. 14 para. 25(6)(a) omitted (30.10.2008) by virtue of The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840) , art. 3(c)(i) (subject to art. 3(2)) |
| F8 | Sch. 14 para. 25(6)(b) and preceding word repealed (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840) , art. 3(c)(ii) (subject to art. 3(2)) |
| Modifications etc. (not altering text) | |
| C1 | Sch. 14 para. 25 applied with modifications by S.I. 1975/1636 , art. 7 |
| Marginal Citations | |
| M5 | 1875 c. 55. |
| M6 | 1907 c. 53. |
| M7 | 1925 c. 71. |

- 26 The following enactments shall not extend to Greater London, that is to say—
- (a) sections 160 and 171 of the ^{M8}Public Health Act 1875;
 - ^{F9}(b)
 - (c) [^{F10}section] 80 of the ^{M9}Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the ^{M10}Town Police Clauses Act 1847;
 - (d) sections 17 to 19, 75 and 76 of the ^{M11}Public Health Act 1925.

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| Textual Amendments | |
| F9 | Sch. 14 paras. 25(2)(b), 26(b) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1) , s. 47 , Sch. 7 Pt. I |
| F10 | Word in Sch. 14 para. 26(c) substituted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55) , s. 255(2)(r) , Sch. 5 para. 4 (with s. 247); S.I. 2024/92 , reg. 2(p) |
| Marginal Citations | |
| M8 | 1875 c. 55. |
| M9 | 1907 c. 53. |
| M10 | 1847 c. 89. |
| M11 | 1925 c. 71. |

- 27 (1) The powers conferred on certain authorities by the enactments to which this paragraph applies shall be exercisable not only by those authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities for the purposes of the Public Health Acts 1875 to 1925, and references in those enactments to an urban authority or a local authority shall be construed accordingly.
- (2) This paragraph applies to the following enactments, that is to say—
- (a) section 164 of the ^{M12}Public Health Act 1875;
 - (b) section 44 of the ^{M13}Public Health Acts Amendment Act 1890;
 - (c) Part VI of the ^{M14}Public Health Acts Amendment Act 1907, as amended by Part VI of the ^{M15}Public Health Act 1925.

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Marginal Citations

- M12** 1875 c. 55.
M13 1890 c. 59.
M14 1907 c. 53.
M15 1925 c. 71.

- 28 A district council [^{F11}or, where they are not the highway authority, the council of a Welsh principal area] shall not without the consent of the highway authority—
- (a) provide a clock under section 165 of the ^{M16}Public Health Act 1875 in a case where it overhangs a highway; or
 - (b) exercise any power under section 40 or 42 of the ^{M17}Public Health Acts Amendment Act 1890 or section 14 or 75 of the ^{M18}Public Health Act 1925 in relation to a highway.

Textual Amendments

- F11** Words in [Sch. 14 para. 28](#) inserted (1.4.1996) by 1994 c. 19, s. 66(5), [Sch. 15 para. 63](#) (with ss. 54(5) (7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)

Marginal Citations

- M16** 1875 c. 55.
M17 1890 c. 59.
M18 1925 c. 71.

- 29 A highway authority who are not a local authority within the meaning of the ^{M19}Public Health Acts 1875 to 1925 may exercise concurrently with the local authority powers conferred on the latter by section 153 of the Public Health Act 1875.

Marginal Citations

- M19** 1875 c. 55.

- 30 Any reference in section 161 of the said Act of 1875 to an urban authority shall, in relation to a metropolitan road within the meaning of the ^{M20}London Government Act 1963, be construed as a reference to the Greater London Council alone.

Marginal Citations

- M20** 1963 c. 33.

- 31 A local authority within the meaning of the Public Health Acts 1875 to 1925 may exercise the powers conferred by section 31 of the ^{M21}Public Health Acts Amendment Act 1907 without being empowered by an order made by the Secretary of State.

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Marginal Citations

M21 1907 c. 53.

32

So much of section 76 of the said Act of 1907 as enables the Secretary of State to make rules governing the exercise by local authorities of their powers under that section shall cease to have effect.

33

F12

Textual Amendments

F12 Sch. 14 para. 21 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

The^{M22}Parish Councils Act 1957

Marginal Citations

M22 1957 c. 42.

^{x1}34

In section 3(1) of the Parish Councils Act 1957, for the words from the beginning to the word “council”, in the second place where it occurs, there shall be substituted the words “ The council of a parish or community or, in the case of a parish for which there is no parish council ”and for the words “in that part of the parish, as the case may be” there shall be substituted the words “ community, or in any part thereof ”.

Editorial Information

X1 The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The^{M23}Public Health Act 1961

Marginal Citations

M23 1961 c. 64.

35

F13

Textual Amendments

F13 Sch. 14 para. 35 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

36

F14

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Textual Amendments

F14 Sch. 14 para. 36 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

37 The powers conferred on a local authority by section 34 of that Act shall as respects England be exercisable also by a county council and references in that section to a local authority shall be construed accordingly.

F1538, 39.

Textual Amendments

F15 Sch. 14 paras. 38, 39 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3

40 The powers conferred on a local authority by sections 44 and 46 of that Act shall, in the case of a street outside Greater London which is a highway, be exercisable by the highway authority as well as by the local authority.

F1641

Textual Amendments

F16 Sch. 14 para. 41 repealed by Litter Act 1983 (c. 35, SIF 100:3), s. 12(3), Sch. 2

42 The powers conferred by sections 52 to 54 of that Act on local authorities shall be exercisable not only by such authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities within the meaning of that Act, and references in those sections to a local authority shall be construed accordingly.

F1743

Textual Amendments

F17 Sch. 14 para. 43 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

M24 The Local Government Act 1966

Marginal Citations

M24 1966 c. 42.

44 F18

Textual Amendments

F18 Sch. 14 para. 44 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

F1945

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Textual Amendments

F19 Sch. 14 para. 45 repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, Sch. 2

F20 46, 47.

Textual Amendments

F20 Sch. 14 paras. 46, 47 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3

F21 48

Textual Amendments

F21 Sch. 14 paras. 17, 48 repealed by National Health Service Reorganisation Act 1973 (c. 32), Sch. 5

M25 *The Deposit of Poisonous Waste Act 1972*

Marginal Citations

M25 1972 c. 21.

x249 In section 5(1) of the Deposit of Poisonous Waste Act 1972, for paragraph (a) there shall be substituted the following paragraphs:—

“(a) in England, county councils and the Greater London Council;

(aa) in Wales, district councils ; and”.

Editorial Information

X2 The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)