



# Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

## PART VII

### SUPPLEMENTAL

#### 82 Power to amend local Acts.

- (1) The Minister may, subject to the provisions of this section, by order repeal or amend any provision—
- in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, or
  - in any order or other instrument made under an Act of Parliament before the passing of this Act,

where it appears to him that that provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act, other than the provisions of Part V.

- (2) Subject to subsection (3) of this section, the Minister shall not make an order under this section repealing or amending any provision in any local Act the Bill for which was promoted—
- by a county council or local authority, or
  - by any authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by a county council or local authority,

except on the application of that county council or local authority.

- (3) Subsection (2) of this section shall not apply in relation to any order so far as the provisions of the local Act which it repeals or amends are repealed or amended as being inconsistent with, or as having become unnecessary in consequence of, the provisions of this Act relating to building regulations.

- (4) Before making an order under this section the Minister shall consult with any county council or local authority which appear to him to be concerned, not being an authority on whose application the order is made.

*Status: Point in time view as at 22/07/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961, Part VII. (See end of Document for details)*

- (5) An order made under this section—
- (a) may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The provisions of this section shall be without prejudice to the powers conferred by section three hundred and thirteen of the <sup>M1</sup>Public Health Act 1936 (under which amendments may be made in certain local Acts), as applied to any of the provisions of this Act.

**Modifications etc. (not altering text)**

- C1** S. 82 extended by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 77, **Sch. 1 para. 5(b)** and by [Building Act 1984 \(c.55, SIF 15\)](#), s. 132, **Sch. 5 para. 3(b)**
- C2** S. 82(1)(2)(4)(5) extended by [Parish Councils and Burial Authorities \(Miscellaneous Provisions\) Act 1970 \(c. 29\)](#), s. 4 and [Local Authorities \(Goods and Services\) Act 1970 \(c. 39\)](#), s. 2(3)
- C3** S. 82(2) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 52**

**Marginal Citations**

- M1** 1936 c. 49.

**83 Saving for law relating to ancient monuments and for planning law.**

It is hereby declared that a local authority or other person may not under this Act do anything which is unlawful under the law relating to ancient monuments or to town and country planning.

**84 Extension of certain references to Public Health Acts.**

- (1) . . . <sup>F1</sup>, paragraph (b) of subsection (4) of section eight of the <sup>M2</sup>Town Development Act 1952 (under which such provisions may be applied to an authority acting under that Act), and any other enactment conferring power to apply the provisions of the <sup>M3</sup>Public Health Act 1936, or the <sup>M4</sup>Public Health (Drainage of Trade Premises) Act 1937, relating to sewage shall have effect as if references to the said Acts of 1936 and 1937 or either of them included references to the provisions of this Act.
- (2) Any order made before the commencement of this Act under subsection (2) of section nine of the <sup>M5</sup>New Towns Act 1946, which applies all the provisions of the said Act of 1937 (or all those provisions except any which are repealed by this Act) without modification, shall have effect as if references to that Act included references to Part V of this Act, but nothing in this subsection shall affect any power to vary or revoke any such order.

**Textual Amendments**

- F1** Words repealed by [New Towns Act 1965 \(c. 59\)](#), **Sch. 12**

**Marginal Citations**

- M2** 1952 c. 54.  
**M3** 1936 c. 49.

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| <b>M4</b> | 1937 c. 40. |
| <b>M5</b> | 1946 c. 68. |

**85 Expenses.**

There shall be paid out of money provided by Parliament—

- (a) any increase in the sums so payable under any Act other than this Act which is attributable to the provisions of this Act, and
- (b) any expenses incurred by any Minister under this Act.

**86 Short title, commencement and repeals.**

(1) This Act may be cited as the Public Health Act 1961.

<sup>F2</sup>(2) .....

(3) ..... <sup>F3</sup>

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**Textual Amendments**

- F2** S. 86(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**
- F3** S. 86(3) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**Status:**

Point in time view as at 22/07/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health Act 1961, Part VII.