



Public Health Act 1961

1961 CHAPTER 64

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—
 - (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, or
 - (b) 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—
 - (a) by a county council or local authority, or
 - (b) 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shall not apply in relation to any order so far as the provisions of the local Act which it repeals or amends are repealed or amended as being inconsistent with, or as having become unnecessary in consequence of, the provisions of this Act relating to building regulations.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.

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- (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 Public Health Act, 1936 (under which amendments may be made in certain local Acts), as applied to any of the provisions of this Act.

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) Subsection (3) of section nine of the New Towns Act, 1946 (under which provisions of the Public Health Acts relating to sewage may be applied to new towns), paragraph (b) of subsection (4) of section eight of the 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 Public Health Act, 1936, or the 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 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.

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.
- (2) Save as otherwise expressly provided, this Act shall come into force as follows—
 - (a) the provisions of Part II relating to building regulations shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and

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- (b) the other provisions of this Act shall come into force at the expiration of the period of two months beginning with the passing of this Act.
- (3) The Acts mentioned in the Fifth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule:

Provided that the repeals mentioned in Part I of that Schedule shall, save as otherwise expressly provided in the said Part I, take effect on the date appointed under paragraph (a) of the last foregoing subsection.