



Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

PART IV

STREETS AND PUBLIC PLACES

Parks and open spaces

54 Boating pools and lakes.

- (1) Subject to the provisions of this section, a local authority or parish council may in any park or pleasure-ground provided by them, or under their management and control, provide a boating pool.
- (2) The local authority or parish council may provide such buildings and execute such work as may be necessary or expedient in connection with the provision of a boating pool under this section, and may also provide boats for the boating pool and such other equipment as may be reasonably required in connection with the use of the boating pool and buildings.

References in this section to a boating pool so provided shall include references to anything else provided under this subsection.

- (3) The local authority or parish council may either—
 - (a) themselves manage a boating pool provided under this section, making such reasonable charges for its use, or for admission, as they think fit, or
 - (b) let it, or any part of it, for such consideration, and on such terms and conditions, as they think fit.
- (4) Where the existence of a boating pool is likely to interfere with any water flowing directly or indirectly out of or into any watercourse which is vested in or [^{F1}controlled [^{F2}by the Environment Agency, the Natural Resources Body for Wales or any] internal drainage board], the local authority or parish council shall before providing a boating pool under this section consult [^{F3}with that Agency, Body or board (as the case may be)].

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961, Section 54. (See end of Document for details)

- (5) No power given by this section shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a park or pleasure-ground has been accepted or made without the consent of the donor, grantor, lessor or other person or persons entitled in law to the benefit of the covenant or condition.
- (6) Subsection (2) of section forty-four of the ^{M1}Public Health Acts Amendment Act 1890 (which gives a local authority certain powers as regards lakes and water in parks and pleasure-grounds)—
- (a) shall apply in relation to a park or pleasure-ground under the management and control of a local authority as it applies in relation to a park or pleasure-ground provided by them, and
 - (b) shall be in force throughout the district of every local authority;
- F4
- (7) Section two hundred and seventy-eight of the ^{M2}Public Health Act 1936 (under which compensation may be paid for damage incurred in consequence of the exercise by the local authority of their powers under that Act), shall apply as if this section were contained in that Act.
- (8) F5
- (9) Sections three hundred and thirty-one and three hundred and thirty-four of the Public Health Act 1936 (which contain savings for water rights and for the works of land drainage authorities), shall apply as if this section were contained in that Act and as if references in those sections to a local authority included references to a parish council.
- (10) It is hereby declared that this section does not authorise a local authority or parish council to do anything in contravention of [^{F6}byelaws made by virtue of paragraph 5 of Schedule 25 to the Water Resources Act 1991 or section 66 of the Land Drainage Act 1991].

Textual Amendments

- F1** Words in s. 54(4) substituted (1.12.1991) by [Water Consolidation \(Consequential provisions\) Act 1991 \(c. 60, SIF: 130\), ss. 2\(1\), 4\(2\), Sch. 1 para. 11\(a\)](#)
- F2** Words in s. 54(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 27\(2\) \(with Sch. 7\)](#)
- F3** Words in s. 54(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 27\(3\) \(with Sch. 7\)](#)
- F4** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. IV](#)
- F5** S. 54(8) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)
- F6** Words in s. 54(10) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF: 130\), ss. 2\(1\), 4\(2\), Sch. 1 para. 11\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 54 amended by [S.I. 1966/1305, art. 5\(1\)](#) and [Local Government Act 1972 \(c. 70\), Sch. 14 para. 42](#)

Marginal Citations

- M1** 1890 c. 59.
- M2** 1936 c. 49.

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1961, Section 54.