



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shall not apply in relation to any order so far as the provisions of the local Act which it repeals or amends are repealed or amended as being inconsistent with, or as having become unnecessary in consequence of, the provisions of this Act relating to building regulations.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

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961, Section 82. (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 ^{M1}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.

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