

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 4 - Provision of toilets: consequential amendments

291. **Schedule 4** makes consequential amendments in relation to the provision made by Part 8 in relation to toilets. These amendments:
- i. Disapply section 87 of the Public Health Act 1936 in relation to local authorities in Wales because this Act restates the powers previously conferred on those authorities by section 87 of the 1936 Act in relation to:
 - the provision of public toilets;
 - the power to make byelaws as to the conduct of persons using or entering the toilets; and
 - the power to charge for the use of the toilets that they provide.
 - ii. Insert a reference to section 116 of this Act in section 114 of the Highways Act 1980 to ensure that the powers in that section are not prejudiced by the provisions in section 116. Section 117 confers a power on local authorities to provide public sanitary conveniences for users of roads where they are the highway authority.
 - iii. Insert a reference to section 117 of this Act in the tables in Parts 1 and 2 of Schedule 1 to the Local Government Byelaws (Wales) Act 2012, so that the byelaws council councils, county borough councils and community councils may make in exercise of their power under section 117 are not subject to confirmation by the Welsh Ministers, and so that fixed penalties may be issued by authorities in relation to breaches of these byelaws. As such, these changes preserve the current position under the 2012 Act in relation to local authority byelaws about toilets but replace references to section 87 of the Public Health Act 1936 with references to the relevant section of this Act.