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SCHEDULES

SCHEDULE 14

AMENDMENT AND MODIFICATION OF PUBLIC HEALTH ACTS, ETC.

PART II

OTHER ENACTMENTS

Public Health Acts 1875 to 1925

- 23 Subject to the following provisions of this Schedule and the provisions of Schedule 26 to this Act, all the provisions of the Public Health Acts 1875 to 1925 shall extend throughout England and Wales, whether or not they so extended immediately before 1st April 1974.
- 24 Paragraph 23 above shall not apply to the following enactments, that is to say—
- (a) so much of section 160 of the ^{M1}Public Health Act 1875 as incorporates the provisions of the ^{M2}Towns Improvement Clauses Act 1847 with respect to the naming of streets (hereafter in this Schedule referred to as “the original street-naming enactment”);
 - (b) section 171(4) of the said Act of 1875;
 - ^{F1}(c)
 - (d) sections 21, 82, 83 and 85 of the ^{M3}Public Health Acts Amendment Act 1907; and
 - (e) sections 17 to 19 and 76 of the ^{M4}Public Health Act 1925;
- and those enactments shall, subject to paragraph 25 below, apply to those areas, and only those, to which they applied immediately before 1st April 1974.

Textual Amendments

- F1** Sch. 14 para. 24(c) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), Sch. 7 Pt. I

Marginal Citations

- M1** 1875 c. 55.
M2 1847 c. 34.
M3 1907 c. 53.
M4 1925 c. 71.

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- 25 (1) Subject to sub-paragraphs (2) and (4) below, a local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).
- (2) A resolution under this paragraph disapplying—
- (a) section 171(4) of the ^{M5}Public Health Act 1875;
 - ^{F2}(b)
 - (c) section 82, 83 or 85 of the ^{M6}Public Health Acts Amendment Act 1907; or
 - (d) section 76 of the ^{M7}Public Health Act 1925;
- must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.
- (3) A resolution under this paragraph applying either of the following provisions, that is to say, section 21 of the said Act of 1907 or section 18 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area and a resolution under this paragraph applying either of the following provisions, that is to say, the original street-naming enactment or section 19 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area.
- (4) A resolution under this paragraph applying or disapplying section 171(4) of the ^{M8}Public Health Act 1875 throughout an area shall not have effect unless approved by the Secretary of State.
- (5) The notice which is requisite for a resolution given under sub-paragraph (1) above is a notice—
- (a) given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area; and
 - (b) served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.
- (6) The date on which a resolution under this paragraph is to take effect shall—
- (a) except in the case of a resolution applying or disapplying section 171(4) of the ^{M9}Public Health Act 1875 throughout any area, be a date specified therein, being not earlier than one month after the date of the resolution; and
 - (b) in the said excepted case, be a date specified in the Secretary of State's approval of the resolution.
- (7) A copy of a resolution of a local authority under this paragraph, certified in writing to be a true copy by the proper officer of the authority, shall in all legal proceedings be received as evidence of the resolution having been passed by the authority.

Textual Amendments

F2 Sch. 14 paras. 25(2)(b), 26(b) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. I](#)

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Modifications etc. (not altering text)

C1 Sch. 14 para. 25 applied with modifications by S.I. 1975/1636, art. 7

Marginal Citations

- M5** 1875 c. 55.
- M6** 1907 c. 53.
- M7** 1925 c. 71.
- M8** 1875 c. 55
- M9** 1875 c. 55.

- 26 The following enactments shall not extend to Greater London, that is to say—
- (a) sections 160 and 171 of the ^{M10}Public Health Act 1875;
 - ^{F3}(b)
 - (c) sections 21 and 80 of the ^{M11}Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the ^{M12}Town Police Clauses Act 1847;
 - (d) sections 17 to 19, 75 and 76 of the ^{M13}Public Health Act 1925.

Textual Amendments

F3 Sch. 14 paras. 25(2)(b), 26(b) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. I

Marginal Citations

- M10** 1875 c. 55.
- M11** 1907 c. 53.
- M12** 1847 c. 89.
- M13** 1925 c. 71.

- 27 (1) The powers conferred on certain authorities by the enactments to which this paragraph applies shall be exercisable not only by those authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities for the purposes of the Public Health Acts 1875 to 1925, and references in those enactments to an urban authority or a local authority shall be construed accordingly.
- (2) This paragraph applies to the following enactments, that is to say—
- (a) section 164 of the ^{M14}Public Health Act 1875;
 - (b) section 44 of the ^{M15}Public Health Acts Amendment Act 1890;
 - (c) Part VI of the ^{M16}Public Health Acts Amendment Act 1907, as amended by Part VI of the ^{M17}Public Health Act 1925.

Marginal Citations

- M14** 1875 c. 55.
- M15** 1890 c. 59.
- M16** 1907 c. 53.
- M17** 1925 c. 71.

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- 28 A district council [^{F4}or, where they are not the highway authority, the council of a Welsh principal area] shall not without the consent of the highway authority—
- (a) provide a clock under section 165 of the ^{M18}Public Health Act 1875 in a case where it overhangs a highway; or
 - (b) exercise any power under section 40 or 42 of the ^{M19}Public Health Acts Amendment Act 1890 or section 14 or 75 of the ^{M20}Public Health Act 1925 in relation to a highway.

Textual Amendments

F4 Words in Sch. 14 para. 28 inserted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 63 (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

Marginal Citations

M18 1875 c. 55.
M19 1890 c. 59.
M20 1925 c. 71.

- 29 A highway authority who are not a local authority within the meaning of the ^{M21}Public Health Acts 1875 to 1925 may exercise concurrently with the local authority powers conferred on the latter by section 153 of the Public Health Act 1875.

Marginal Citations

M21 1875 c. 55.

- 30 Any reference in section 161 of the said Act of 1875 to an urban authority shall, in relation to a metropolitan road within the meaning of the ^{M22}London Government Act 1963, be construed as a reference to the Greater London Council alone.

Marginal Citations

M22 1963 c. 33.

- 31 A local authority within the meaning of the Public Health Acts 1875 to 1925 may exercise the powers conferred by section 31 of the ^{M23}Public Health Acts Amendment Act 1907 without being empowered by an order made by the Secretary of State.

Marginal Citations

M23 1907 c. 53.

- 32 So much of section 76 of the said Act of 1907 as enables the Secretary of State to make rules governing the exercise by local authorities of their powers under that section shall cease to have effect.

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- 33 In section 16(1) of the Public Health Act 1925 the words from “in relation” to “county council or” shall cease to have effect.

Modifications etc. (not altering text)

- C2** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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