



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART I **E+W**

LOCAL ADMINISTRATION

Local authorities and their districts

[^{F1}1 Local authorities for purposes of Act. **E+W**

(1) Subject to the provisions of this Act with respect to certain special authorities, districts and areas, it shall be the duty of the following authorities to carry this Act [^{F2}, excluding Part VI except section 198,] into execution, that is to say—

- (a) [^{F3}Except in Wales] in a county, the county council as respects certain matters and the district councils as respects all other matters, without prejudice, however, to the exercise by a parish ^{F4}. . . council of any powers conferred upon such councils;
- ^{F5}(aa) [in Wales, the county council or county borough council as respects all matters, without prejudice, however, to the exercise by a community council of any powers conferred upon such a council;]
- (b) in a London borough, the borough council;
- (c) in the City of London, the Common Council; and
- (d) in the Inner Temple and the Middle Temple, the Sub-Treasurer and the Under Treasurer thereof respectively.

(2) In this Act—

“ community ”, in relation to a common community council acting for two or more grouped communities, means those communities;

“ district ”, in relation to a local authority in Greater London, means a London borough, the City of London, the Inner Temple or the Middle Temple, as the case may be; [^{F6} and, in relation to a local authority in Wales, means a county or (as the case may be) county borough]

“ local authority ” means the council of a district or London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner

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Temple and the Under Treasurer of the Middle Temple; [^{F6} but, in relation to Wales, means the council of a county or county borough.]

“ parish ”, in relation to a common parish council acting for two or more grouped parishes, means those parishes.]

Textual Amendments

- F1** S. 1 substituted by [Local Government Act 1972 \(c. 70\) Sch. 14 para. 1](#)
- F2** Words inserted by [National Health Service Reorganisation Act 1973 \(c. 32\), Sch. 4 para. 2](#)
- F3** Words in s. 1(1)(a) inserted (1.4.1996) by [1994 c. 19, s.22\(3\) Sch. 9](#) (with saving in ss. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F4** Words in s. 1(1)(a) repealed (1.4.1996) by [1994 c. 19, ss. 22\(3\), 66\(8\), Sch. 9 para. 3\(1\), Sch. 18](#) (with saving in ss. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\), 23\(2\)](#)); S.I. 1996/396, arts. 3, 4, Schs. 1, 2
- F5** S. 1(1)(aa) inserted (1.4.1996) by [1994 c. 19, s. 22\(3\) Sch. 9 para. 3\(1\)](#) (with saving in ss. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F6** Words in definitions of “district” and “local authority” in S. 1(2) added (1.4.1996) by [1994 c. 19, s. 22\(3\) Sch. 9 para. 3\(2\)](#) (with saving in ss. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3

Modifications etc. (not altering text)

- C1** S. 1(1) modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, [Sch. 2](#)
- C2** S. 1(1) functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, [Sch. 2](#)
- C3** S. 1(1) functions transferred and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), art. 9, [Sch. 2](#) (with art. 9(3))
- C4** Definition of “local authority” in s. 1(2) excluded by [Health and Safety at Work, etc. Act 1974 \(c. 37\), s. 76\(2\)\(b\)](#)

Port health authorities and joint boards

2—5.^{F7} **E+W**

Textual Amendments

- F7** Ss. 2–5 repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)

6 Union of districts, or parts of districts, for certain purposes under joint board.

E+W

- (1) Subject to the provisions of this section, if, on an application made to him by the local authorities of the districts to which the application relates, or by any of those authorities, it appears to the Minister that it would be for the advantage of those districts or any of them, or of any parts of those districts or any of them (whether such parts are contributory places or not), to be constituted a united district for any purpose of this Act, or of the Public Health Acts 1875 to 1932, so far as those Acts are not repealed, [^{F8} or of the Public Health (Control of Disease) Act 1984 except section 46,]^{F9} or of the Building Act 1984,] the Minister may, by order, constitute for

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that purpose a united district consisting of such of those districts or parts of districts as can, in his opinion, be combined advantageously.

- (2) The governing body of a united district shall be a joint board, which shall be constituted by the order constituting the district and shall consist of representatives of the local authorities of the constituent districts or parts of districts:

Provided that, if the council of the county, or of any of the counties, in which the united district or any part thereof will be situate, undertake to make annual contributions towards the expenses of the joint board, provision may be made by the order constituting the board for the board to include representatives of that council, so, however, that the number of representatives appointed under this proviso shall be less than one-half of the total number of the members of the board.

- (3) A joint board constituted under this section shall be a body corporate by such name as may be determined by the order constituting the united district, and shall have perpetual succession and a common seal . . . ^{F10}

- (4) Where the Minister proposes to make an order under this section, he shall give notice thereof to the local authority of every district which, or any part of which, is proposed to be included in the united district, and also to the county council, and, if within twenty-eight days after such notice has been given to any such authority or council, they give notice to the Minister that they object to the proposal and the objection is not withdrawn, any order made by the Minister shall be [^{F11}subject to special Parliamentary procedure].

- (5) All expenses of, and incidental to, the constitution of a united district shall be payable by the joint board and, so far as those expenses are expenses incurred by the Minister, the amount thereof as certified by him shall be recoverable by him from the board as a debt due to the Crown.

- [^{F12}(6) In relation to Wales, the proviso in subsection (2) of this section does not apply and subsection (4) of this section applies as if the words “and also the county council” and “or council” were omitted.]

Textual Amendments

F8 Words inserted by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 2 para. 1**

F9 Words inserted by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(1), **Sch. 6 para. 2**

F10 Words repealed by [Charities Act 1960 \(c. 58\)](#), **Sch. 7 Pt. II**

F11 Words substituted by [S.I. 1949/2393 \(1949 I, p. 3973\)](#), art. 3, Sch. 2

F12 [S. 6\(6\) added \(1.4.1996\) by 1994 c. 19, s. 22\(3\)](#), **Sch. 9 para. 3(3)** (with saving in [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 para. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 3, **Sch. 1**

Modifications etc. (not altering text)

C5 [S. 6](#) extended by [Prevention of Damage by Pests Act 1949 \(c. 55\)](#), **s. 1(3)**, [Food and Drugs Act 1955 \(4 & 5 Eliz. 2 c. 16\)](#), **s. 88(2)**, [New Towns Act 1965 \(c. 59\)](#), **s. 33**, [Local Government Act 1972 \(c. 70\)](#), **Sch. 26 para. 3** and [Slaughterhouses Act 1974 \(c. 3\)](#), **s. 28(6)**

C6 [S. 6](#) extended by [Food Act 1984 \(c. 30, SIF 53:1\)](#), **s. 75** and [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), **Sch. 3 para. 1**

[S. 6](#) extended (27.8.1993) by [1993 c. 11](#), **ss. 61(1), 68(2)**

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Part I. (See end of Document for details)

7 Restriction on discharge of functions by local authorities within united district. E+W

(1) A local authority having jurisdiction in any part of a united district shall cease to discharge in relation thereto any functions which are functions of the joint board:

...^{F13}

(2)^{F14}

Textual Amendments

F13 S. 7(1) proviso repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

F14 Ss. 7(2), 8, 11–13 repealed by local [Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

Modifications etc. (not altering text)

C7 S. 7 extended (27.8.1993) by [1993 c. 11](#), [ss. 61\(1\)](#), [68\(2\)](#)

8^{F15} **E+W**

Textual Amendments

F15 Ss. 7(2), 8, 11–13 repealed by local [Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

9 General provisions as to orders constituting port health districts, united districts and joint boards. E+W

(1) An order made by the Minister under the foregoing provisions of this Part of this Act constituting a . . .^{F16} united district, or such a joint board as is mentioned in the last preceding section, may contain such incidental, consequential and supplementary provisions as appear to him to be necessary or proper for bringing the order into operation and giving full effect thereto and, in particular, but without prejudice to the generality of the foregoing words, provisions—

- (a) for the settlement of any differences arising in consequence of the operation of the order, between districts, parishes or other areas;
- (b) for the transfer of property and liabilities, and the making of any such adjustment of accounts or apportionment of liabilities between districts, parishes or other areas as may be rendered necessary by the operation of the order; and
- (c) as to the persons by and to whom any moneys found to be due are to be paid, and the raising of such moneys.

(2) Any such order as aforesaid, . . .^{F17}, may be amended or revoked by a subsequent order made by the Minister, but, where the Minister proposes to make an order under this subsection, he shall give notice thereof to . . .^{F18} joint board concerned and to every authority or council which is, or under the proposed order will be, a constituent authority or council, and, if within twenty-eight days after such notice has been given to any such authority, board or council they give notice to the Minister that they object to the proposal and the objection is not withdrawn, any order made by the Minister shall be [^{F19}subject to special Parliamentary procedure].

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- (3) Any reference in this Act to an order constituting a . . . ^{F20} united district, or joint board shall be construed as including a reference to any order made under this section for the amendment of the original order.

Textual Amendments

- F16** Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**
F17 Words repealed by [S.I. 1949/2393 \(1949 I, p. 3973\)](#), art. 2, Sch. 2
F18 Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**
F19 Words substituted by [S.I. 1949/2393 \(1949 I, p. 3973\)](#), art. 3, Sch. 2
F20 Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

Modifications etc. (not altering text)

- C8** [S. 9](#) extended by [Food and Drugs Act 1955 \(4 & 5 Eliz. 2 c. 16\)](#), s. **88(1)** and [Slaughterhouses Act 1974 \(c. 3\)](#), s. **28**
C9 [S. 9\(2\)](#) extended by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. **42(4)**
[S. 9](#) extended (27.8.1993) by [1993 c. 11](#), ss. **61(1)**, 68(2)

10 Borrowing powers of port health authorities and joint boards. E+W

A . . . ^{F21} joint board constituted under this Part of this Act shall, subject to the provisions of the order by which they were constituted, have the like powers of borrowing for the purposes of their functions under the order as a local authority have of borrowing for the purposes of their functions under this Act.

Textual Amendments

- F21** Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

Modifications etc. (not altering text)

- C10** [S. 10](#) extended (27.8.1993) by [1993 c. 11](#), ss. **61(1)**, 68(2)

11— ^{F22} E+W
13.

Textual Amendments

- F22** [Ss. 7\(2\), 8, 11–13](#) repealed by local [Government Act 1972 \(c. 70\)](#), **Sch. 30**

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Part I.