

## SCHEDULE 2

Regulation 18

### Amendment of enactments

#### **Public Health Act 1875**

1.—(1) Section 184 of the Public Health Act 1875 (confirmation of byelaws)(1) is amended as follows.

(2) The existing provision becomes subsection (1).

(3) After that provision insert—

“(2) Subsection (1) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.”

#### **Open Spaces Act 1906**

2. In section 15 of the Open Spaces Act 1906 (byelaws)(2), in subsection (2) after “England” insert “other than byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972”.

#### **Public Health Acts Amendment Act 1907**

3.—(1) Section 9 of the Public Health Acts Amendment Act 1907 (byelaws)(3) is amended as follows.

(2) The existing provision becomes subsection (1).

(3) After that provision insert—

“(2) Subsection (1) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.”

#### **Public Health Act 1961**

4.—(1) The Public Health Act 1961 is amended as follows.

(2) In section 75 (byelaws as to pleasure fairs and roller skating rinks)(4), after subsection (8) insert—

“(8A) Subsection (8) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.”

(3) In section 77 (byelaws as to hairdressers and barbers), after subsection (3), insert—

“(4) Subsection (3) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.”

#### **Local Government Act 1972**

5.—(1) The Local Government Act 1972 is amended as follows.

(2) In section 235 (power of councils to make byelaws for good rule and government and suppression of nuisances), after subsection (2) insert—

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(1) Section 184 was repealed except so far as it may be material for the purposes of any un-repealed enactment in the Public Health Act 1875 (c. 55) or any Act directed to be construed therewith by the Public Health Act 1936 (c. 49), section 346, Schedule 3, Part 1, paragraph 2.

(2) Section 15 was modified by the Environment Act 1995 (c. 25), section 70, Schedule 9, paragraph 2, so that references to a local authority include references to National Park authorities.

(3) Section 9 was amended by section 180 of the Local Government Act 1972 (c. 70).

(4) Section 75 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c.57).

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

“(2A) Subsection (2) does not apply to byelaws of a class prescribed by regulations under section 236A(1).”

(3) In section 236B (revocation of byelaws)(5), after subsection (4) insert—

“(4A) Subsection (4)(b) does not apply to byelaws of a class prescribed by regulations under section 236A(1).”

#### **Food Act 1984**

6. In section 121 of the Food Act 1984 (byelaws), after subsection (1) insert—

“(1A) Subsection (1) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.”

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(5) Section 236B was inserted by section 134 of the Local Government and Public Involvement in Health Act 2007 (c. 28).