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Local Government Act 1972

1972 CHAPTER 70

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Byelaws

235 Power of councils to make byelaws for good rule and government and suppression of nuisances.

- (1) The council of a district [^{F1}the council of a principal area in Wales] and the council of a London borough may make byelaws for the good rule and government of the whole or any part of the district [^{F2}principal area] or borough, as the case may be, and for the prevention and suppression of nuisances therein.
- (2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.
- (3) Byelaws shall not be made under this section for any purpose as respects any area if provision for that purpose as respects that area is made by, or is or may be made under, any other enactment.

Textual Amendments

- F1** Words in s. 235(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 49** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F2** Words in s. 235(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 49** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 235 amended by **Criminal Justice Act 1982** (c. 48, SIF 39:1), **s. 43** (which s. 43 is repealed (18.2.1993) by **Environmental Protection Act 1990** (c. 43, SIF 46:4), ss. 162(1)(2), 164(3), Sch. 15 para. 21, **Sch. 16 Pt. IX**); S.I. 1993/264

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- C2** S. 235 functions made exercisable concurrently (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I 2004/1777), {art. 25(2)(xii)}
 S. 235 functions made exercisable concurrently (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I 2004/1778), {art. 25(2)(xii)}

236 Procedure etc., for byelaws.

- (1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority under this Act [^{F3}and to byelaws made by a local authority, [^{F4}or a metropolitan county passenger transport authority] under any other enactment and conferring on the authority] a power to make byelaws and for which specific provision is not otherwise made.
- (2) This section shall not apply to byelaws made . . . ^{F5} by the Civil Aviation Authority under [^{F6}section 29 of the Civil Aviation Act 1982].
- (3) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish or community council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.
- (4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply.
- (5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.
- (6) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.
- (7) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- (8) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding 20p for every copy, as the authority may determine.
- (9) The proper officer of a district council [^{F7}or in Wales of a principal council] shall send a copy of every byelaw made by the council, and confirmed, to the proper officer of the council, whether separate or common, of every parish or community to which they apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish or community council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish or community.

A copy so deposited shall at all reasonable hours be open to public inspection without payment.

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(10) The proper officer of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every district in the county, and the proper officer of the council of a district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county.

[^{F8}(10A) Subsection (10) above does not apply to a principal council in Wales.]

(11) In this section the expression “the confirming authority” means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified means the Secretary of State.

Textual Amendments

- F3** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 31(1)**
- F4** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 45**
- F5** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), **Sch. 27 Pt. I**
- F6** Words substituted by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), **Sch. 15 para. 11**
- F7** Words in s. 236(9) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 50** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, **Sch. 2**
- F8** S. 236(10A) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 50** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

- C3** S. 236 applied by [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), s. 98(2).
S. 236 modified by S.I. 1986/143, **regs. 2(1), 3(1)**.
S. 236 applied (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), s. 66(5) (with ss. 67(3)(5)(8), 72(6)(8), 74(3)(4)).
S. 236: ss. 236–238 applied (12.3.1991) by S.I. 1991/993, **art. 3(3)**.
Ss. 236–238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23).
S. 236 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**
S. 236 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
S. 236 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**
S. 236 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**
- C4** S. 236(3)–(8) modified (07.08.1991) by S.I.1991/1773 art.8(2), [Sch. 2](#).
S. 236(3)–(8): certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**.
S. 236(3)–(8) applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#); ss. 6(5), 10, 23(2), 27(2), [Sch. 5 para. 7\(1\)](#).
S. 236(3)–(8) modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.
S. 236(3)–(8): certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.
S. 236(3)–(8) applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39).
S. 236(3)–(8)(11) applied (with modifications) (5.11.1993) by 1993 c. 42, s. 16(8) (with s. 30(1), [Sch. 2 para. 9](#)).
S. 236(3)–(8)(11) applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).
S. 236(3)–(8)(11) applied (21.7.1994) by 1994 c. xiii, s. 10(1)
S. 236(3)–(8) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(a)**
S. 236(3)–(8)(11) applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**

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- S. 236(3)-(8) applied (30.8.1994) by S.I. 1994/2298, **art. 30**
- S. 236(3)-(8)(11) applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- S. 236(3)-(8) applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**
- S. 236(3)-(8)(11) applied (with modifications) (1.1.1998) by S.I. 1997/2949, **art. 15(6)(a)-(e)**
- S. 236(3)-(8) applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**
- C5** S. 236(7) applied (with modifications) (8.7.1996) by S.I. 1996/1627, **art. 23(5)**
- S. 236(7) modified (20.5.1998) by S.I. 1998/1209, **art. 12(2)**
- S. 236(7) applied (with modifications)(21.7.1994) by 1994 c. xiii, **s. 10(2)**
- S. 236(7) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(b)**
- S. 236(7) applied (with modifications)(30.8.1994) by S.I. 1994/2298, **art. 30**
- C6** S. 236(8) extended with modifications by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 65(7)**
- C7** S. 236(9) excluded by Civil Aviation Act 1982 (c. 16, SIF 9), **s. 32(4)** and by Airports Act 1986 (c. 31, SIF 9), **Pt. VI**, s. 63(8)
- C8** S. 236(11) applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**
- S. 236(3)-(8)(11) applied (with modifications) (5.11.1993) by 1993 c. 42, **s. 16(8)** (with s. 30(1), Sch. 2 para. 9).
- S. 236(3)-(8)(11) applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).
- S. 236(3)-(8)(11) applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**
- S. 236(3)-(8)(11) applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**
- S. 236(3)-(8)(11) applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- S. 236(3)-(8)(11) applied (with modifications) (1.1.1998) by S.I. 1997/2949, **art. 15(6)(a)-(e)**

VALID FROM 27/01/2010

[^{F9}236A Alternative procedure for certain byelaws

- (1) The Secretary of State may, in relation to England, by regulations—
 - (a) prescribe classes of byelaws to which section 236 does not apply, and
 - (b) make provision about the procedure for the making and coming into force of such byelaws.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
 - (a) the enactment under which byelaws are made,
 - (b) the subject-matter of byelaws,
 - (c) the authority by whom byelaws are made,
 - (d) the authority or person by whom byelaws are confirmed.
- (3) The regulations may, in particular, include provision about—
 - (a) consultation to be undertaken before a byelaw is made,
 - (b) publicising a byelaw after it is made.
- (4) The regulations may make—
 - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and

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- (b) different provision for different areas, including different provision for different localities and for different authorities.
- (5) Regulations may not be made under subsection (1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]

Textual Amendments

F9 S. 236A inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 129(3)**, 245(5); S.I. 2010/112, **art. 2(a)**

Modifications etc. (not altering text)

C9 Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

[^{F10}236B Revocation of byelaws

- (1) This section applies to—
- a local authority;
 - the Greater London Authority;
 - Transport for London;
 - a metropolitan county passenger transport authority.
- (2) Such an authority may make a byelaw under this section to revoke a byelaw made by the authority.
- (3) The power under subsection (2) may be exercised only where the authority has no other power to revoke the byelaw.
- (4) The confirming authority in relation to a byelaw made under this section shall be—
- in relation to a byelaw made by a local authority in Wales, the Welsh Ministers;
 - in relation to any other byelaw, the Secretary of State.
- (5) The Secretary of State may, in relation to England, by order revoke any byelaw which appears to him to have become spent, obsolete or unnecessary.
- (6) The Welsh Ministers may, in relation to Wales, by order revoke any byelaw which appears to them to have become spent, obsolete or unnecessary.
- (7) An order under this section may make—
- such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the person making the order considers appropriate, and
 - different provision for different areas, including different provision for different localities and for different authorities.
- (8) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Secretary of State unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

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- (9) Otherwise, a statutory instrument containing an order made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Welsh Ministers unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Otherwise, a statutory instrument containing an order made by the Welsh Ministers under this section shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

- F10** S. 236B inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 134, 245(5); S.I. 2010/112, art. 2(f)

237 Offences against byelaws.

Byelaws to which section 236 above applies may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of £20, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction thereof.

Modifications etc. (not altering text)

- C10** S. 237 excluded by Civil Aviation Act 1982 (c. 16, SIF 9), s. 32(4) and by Airports Act 1986 (c. 31, SIF 9), Pt. VI, s. 63(8)
- C11** S. 237 amended by Criminal Law Act 1977 (c. 45, SIF 39:1), s. 31 and Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 40, 46
- C12** S. 237 modified by S.I. 1986/143, regs. 2(1), 3(1)
- C13** S.237:ss.236-238 applied (12.3.1991) by S.I.1991/993, art.3(3)
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, art. 3(4) (with arts. 22, 23).
- C14** S. 237 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.
S. 237: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, Sch.2.
- C15** S. 237 modified (10.01.1992) by S.I.1991/2913, art.8(2), Sch.2.
S. 237: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, Sch.2.
S. 237 applied (30.10.1994) by S.I. 1994/2716, reg. 94(1)
S. 237 applied (with modifications) (1.11.1994) by S.I. 1994/2733, art. 3(4)
S. 237 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 17(2)(e) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
S. 237 applied (with modifications) (19.8.1996) by S.I. 1996/2103, art. 3(9)
S. 237 applied (with modifications) (1.8.2000) by S.I. 2000/2103, art. 3(4)
S. 237 applied (with modifications) (4.9.2000) by S.I. 2000/2251, art. 3(4)
S. 237 applied (30.1.2001) by 2000 c. 37, ss. 17(5), 103(2) (with s. 43)
- C16** S. 237 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. 21(2)(f)
S. 237 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 21(2)(f)

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C17 Ss. 236-238 applied (prosp.) by Commons Act 1899 (c. 30), s. 10 (as substituted (prosp.) by Commons Act 2006 (c. 26), ss. 50(7), 56 (with s. 60))

VALID FROM 27/01/2010

[^{F11}237A Fixed penalty notices

- (1) The Secretary of State may, in relation to England, by regulations prescribe classes of byelaws to which this section applies.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
 - (a) the enactment under which byelaws are made,
 - (b) the subject-matter of byelaws,
 - (c) the authority by whom byelaws are made,
 - (d) the authority or person by whom byelaws are confirmed.
- (3) Where—
 - (a) an authorised officer of an authority which has made a byelaw to which this section applies has reason to believe that a person has committed an offence against the byelaw, or
 - (b) an authorised officer of a parish council has reason to believe that a person has in its area committed an offence against a byelaw to which this section applies made by an authority other than the parish council,the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (4) A fixed penalty notice under this section is payable to the authority whose officer gave the notice.
- (5) Where a person is given a notice under this section in respect of an offence—
 - (a) no proceedings may be instituted for the offence before the end of the period of fourteen days following the date of the notice, and
 - (b) he may not be convicted of the offence if he pays the fixed penalty before the end of that period.
- (6) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence.
- (7) A notice under this section must also state—
 - (a) the period during which, by virtue of subsection (5), proceedings will not be taken for the offence,
 - (b) the amount of the fixed penalty, and
 - (c) the person to whom and the address at which the fixed penalty may be paid.
- (8) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (7)(c) at the address so mentioned.

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- (9) Where a letter is sent in accordance with subsection (8) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) The form of a notice under this section may be specified in regulations under subsection (1).
- (11) In any proceedings a certificate which—
- (a) purports to be signed on behalf of the chief finance officer of an authority, and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- is evidence of the facts stated.
- (12) In this section—
- “authorised officer”, in relation to an authority, means—
- (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section,
 - (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform the function, and
 - (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices,
- “chief finance officer”, in relation to an authority, means the person having responsibility for the financial affairs of the authority.
- (13) Regulations under subsection (1) may prescribe conditions to be satisfied by a person before a parish council may authorise him in writing for the purpose of giving notices under this section.

Textual Amendments

F11 Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 130(1), 245(5); S.I. 2010/112, art. 2(b)

Modifications etc. (not altering text)

C18 Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

VALID FROM 27/01/2010

237B Amount of fixed penalty

- (1) The amount of a fixed penalty payable in pursuance of a notice under section 237A is—
- (a) the amount specified by the authority which made the byelaw, or
 - (b) if no amount is so specified, £75.
- (2) An authority may specify different amounts in relation to different byelaws.

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- (3) The Secretary of State may by regulations make provision in connection with the powers under subsections (1)(a) and (2).
- (4) Regulations under subsection (3) may, in particular—
 - (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations,
 - (b) restrict the extent to which, and the circumstances in which, an authority can make provision under subsection (2).
- (5) The Secretary of State may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).

Textual Amendments

F11 Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 130(1)**, 245(5); S.I. 2010/112, **art. 2(b)**

Modifications etc. (not altering text)

C19 Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

VALID FROM 27/01/2010

237C Power to require name and address in connection with fixed penalty

- (1) If an authorised officer proposes to give a person a notice under section 237A, the officer may require the person to give him his name and address.
- (2) A person commits an offence if—
 - (a) he fails to give his name and address when required to do so under subsection (1), or
 - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this section, “authorised officer” has the same meaning as in section 237A.]

Textual Amendments

F11 Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 130(1)**, 245(5); S.I. 2010/112, **art. 2(b)**

Modifications etc. (not altering text)

C20 Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

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VALID FROM 27/01/2010

[^{F12}237D Use of fixed penalty receipts

- (1) “Fixed penalty receipts” means amounts paid to an authority in pursuance of notices under section 237A.
- (2) The authority shall have regard to the desirability of using its fixed penalty receipts for the purpose of combating any relevant nuisance.
- (3) A “relevant nuisance” is a nuisance in the authority's area for the prevention of which any byelaw to which section 237A applies was made.]

Textual Amendments

F12 S. 237D inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 131**, 245(5); S.I. 2010/112, **art. 2(c)**

Modifications etc. (not altering text)

C21 Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

VALID FROM 27/01/2010

[^{F13}237E Guidance relating to sections 236A and 237A to 237D

An authority which makes byelaws of a class prescribed by regulations under section 236A or 237A must have regard to any guidance issued by the Secretary of State about—

- (a) procedure for which provision is made by regulations under section 236A(1);
- (b) fixed penalties;
- (c) anything related to the matters mentioned in paragraph (a) or (b).]

Textual Amendments

F13 S. 237E inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 132**, 245(5); S.I. 2010/112, **art. 2(d)**

Modifications etc. (not altering text)

C22 Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

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VALID FROM 27/01/2010

[^{F14}237F Further provision about regulations and orders under section 237A or 237B

- (1) Regulations under section 237A or 237B, and an order under section 237B, may make—
 - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
 - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (2) A statutory instrument containing—
 - (a) regulations under section 237A or 237B which amend or repeal any provision of an Act, or
 - (b) an order under section 237B which amends or repeals any provision of an Act,may not be made unless a draft of the instrument containing the regulations or order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Otherwise, a statutory instrument containing regulations under section 237A or 237B, or an order under section 237B, shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F14 S. 237F inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 130\(2\), 245\(5\)](#); S.I. 2010/112, [art. 2\(b\)](#)

Modifications etc. (not altering text)

C23 Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), [regs. 1\(2\), 31\(2\)](#) (with [reg. 125](#))

238 Evidence of byelaws.

The production of a printed copy of a byelaw purporting to be made by a local authority [^{F15}, [^{F16} or a metropolitan county passenger transport authority]] upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

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Textual Amendments

- F15** Comma and words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 31(2)** (the inserted words being subsequently substituted as mentioned in note below)
- F16** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 46**

Modifications etc. (not altering text)

- C24** S. 238 extended with modifications by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), s. **65(7)**
- C25** S. 238 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)
- C26** S. 238 applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**
- S. 238 applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39).
- S. 238 applied (with modifications) (5.11.1993) by 1993 c. 42, s. **16(8)** (with s. 30(1), Sch. 2 para. 9).
- S. 238 applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).
- S. 238 modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)**
- S. 238 applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**
- S. 238 applied (21.7.1994) by 1994 c. xiii, s. **10(1)**
- S. 238 applied (30.8.1994) by S.I. 1994/2298, **art. 30**
- S. 238 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**
- S. 238 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**
- S. 238 applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- S. 238 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- S. 238 applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**
- S. 238 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**
- S. 238 applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**
- C27** S.238:ss.236-238 applied (12.3.1991), by S.I.1991/993, **art. 3(3)**
- Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23)
- C28** S. 238 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.
- S. 238: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**.
- C29** S. 238 modified (10.01.1992) by S.I.1991/2913, art.8(2), **Sch.2**.
- S. 238: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, **Sch.2**.
- S. 238 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- S. 238 applied (18.7.2000) by S.I. 2000/1884, **art. 28(1)**
- S. 238 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**
- S. 238 applied (25.8.2000) by S.I. 2000/2152, **art. 27(4)**
- S. 238 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**
- S. 238 applied (30.1.2001) by 2000 c. 37, ss. **17(5)**, 103(2) (with s. 43)

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