



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 8

### PROVISION OF TOILETS

#### *Local authority power to provide public toilets*

#### **116 Local authority power to provide public toilets**

- (1) A local authority may provide toilets in its area for use by the public.
- (2) A local authority must have regard to the relevant local toilets strategy when determining—
  - (a) whether to provide toilets under subsection (1), and
  - (b) the types of toilets to be provided.
- (3) For the purposes of subsection (2), the relevant local toilets strategy is—
  - (a) in the case of a county or county borough council (“a principal council”), the local toilets strategy most recently published under section 113 by that council, and
  - (b) in the case of a community council, the local toilets strategy most recently published under section 113 by the principal council of the area in which the community council is situated.
- (4) A local authority may not provide toilets under subsection (1) on or under land adjoining, or in the vicinity of, a highway or proposed highway unless—
  - (a) the local authority is (or in the case of a proposed highway, will be) the highway authority for that highway, or
  - (b) the local authority has obtained the consent of the highway authority for that highway, or (in the case of a proposed highway) of the authority that will be the highway authority for that highway, to provide such toilets.
- (5) A local authority that provides toilets under this section may charge fees for the use of those toilets.

---

*Status: This is the original version (as it was originally enacted).*

---

(6) In this section—

“highway” (“*priffordd*”) has the meaning given by section 113(9);

“local authority” (“*awdurdod lleol*”) includes a community council.

#### **117 Power to make byelaws in relation to toilets**

- (1) A local authority that provides toilets under section 116 may make byelaws as to the conduct of persons using or entering them.
- (2) Where a community council makes byelaws under subsection (1) in respect of toilets provided by it, the byelaws (if any) made under section 2 of the [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), in relation to those toilets by the county or county borough council of the area in which the community council is situated, are of no effect during the currency of the byelaws made by the community council.
- (3) For the purposes of this section “local authority” is to be read in accordance with section 116.

#### **118 Consequential amendments**

For amendments consequential on this Part, see Schedule 4.