



# Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

## PART VI

### MISCELLANEOUS

72 .....<sup>F1</sup>

#### Textual Amendments

**F1** S. 72 repealed by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. III](#)

#### 73 **Derelict petrol tanks.**

- (1) Where a fixed tank or other fixed container which has been used for the storage of [<sup>F2</sup>petrol], and is no longer used for that purpose, is kept on any premises, the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from the container.
- (2) An officer of the local authority duly authorised by them may, on producing, if so required, some duly authenticated document showing his authority, require the occupier of premises on which there is any tank or other container to which subsection (1) of this section applies to show it to him and permit him to ascertain whether steps have been taken to comply with the provisions of this section.
- (3) The local authority may by notice require the occupier of the premises to take the steps reasonably necessary to prevent danger from any tank or other container to which subsection (1) of this section applies.
- (4) The provisions of Part XII of the <sup>M1</sup>Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (3) of this section, and shall so apply as if this section were contained in that Act.

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(5) This section shall apply in relation to premises which are unoccupied with the substitution for the references to the occupier of the premises of references to their owner (as defined in subsection (1) of section three hundred and forty-three of the Public Health Act 1936); and this section shall not apply to premises situated within the jurisdiction of a harbour authority (as defined in [<sup>F3</sup>section 57 of the Harbours Act 1964]).

[<sup>F4</sup>(6) In this section “petrol” has the meaning given by regulation 2 of the Petroleum (Consolidation) Regulations 2014.]

#### Textual Amendments

- F2** Word in s. 73(1) substituted (1.10.2014) by [The Petroleum \(Consolidation\) Regulations 2014 \(S.I. 2014/1637\)](#), reg. 1(2), **Sch. 4 para. 3(1)** (with reg. 3(1))
- F3** Words in s. 73(5) substituted (1.10.2014) by [The Petroleum \(Consolidation\) Regulations 2014 \(S.I. 2014/1637\)](#), reg. 1(2), **Sch. 4 para. 3(2)** (with reg. 3(1))
- F4** S. 73(6) substituted (1.10.2014) by [The Petroleum \(Consolidation\) Regulations 2014 \(S.I. 2014/1637\)](#), reg. 1(2), **Sch. 4 para. 3(3)** (with reg. 3(1))

#### Modifications etc. (not altering text)

- C1** S. 73 amended by [S.I. 1990/1380](#), **regs. 3, 4**
- C2** S. 73 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2)(3), **Sch. 2**  
s. 73 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch. 2**
- C3** S. 73 modified (E.) (6.4.2010) by [Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Schs.**
- C4** S. 73 applied (with modifications) (E.) (24.3.2011) by [Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Schs. 2**
- C5** S. 73 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**
- C6** S. 73 functions etc. assigned to the port health authority and modified (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

#### Marginal Citations

- M1** 1936 c. 49.

## 74 Power to reduce numbers of pigeons and other birds in built-up areas.

- (1) Subject to the provisions of this section, a local authority shall have power to take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation in any built-up area of house doves or pigeons or of starlings or sparrows.
- (2) Nothing in section twenty-three of the <sup>M2</sup>Larceny Act 1861 or in any other provision in that Act, shall prevent a local authority, in exercise of their powers under this section, from taking any reasonable steps to seize or destroy, or sell or otherwise dispose of, any house doves or pigeons which in their belief have no owner.
- (3) A local authority acting under this section shall take all reasonable precautions to ensure that the seizure and destruction of any birds are carried out humanely.
- (4) It is hereby declared that this section does not authorise a local authority to do anything in contravention of [<sup>F5</sup>Part I of the Wildlife and Countryside Act 1981].

*Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961, Part VI. (See end of Document for details)*

#### Textual Amendments

**F5** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 72(6)

#### Marginal Citations

**M2** [1861 c. 96](#).

### 75 Byelaws as to pleasure fairs and roller skating rinks.

- (1) A local authority may make byelaws—
- (a) for regulating the hours during which pleasure fairs and roller skating rinks may be open to the public;
  - (b) for securing safe and adequate means of ingress to, and egress from, any pleasure fair or roller skating rink;
  - (c) for the prevention and suppression of nuisances, and the preservation of sanitary conditions, cleanliness, order and public safety, at any pleasure fair or roller skating rink;
  - [<sup>F6</sup>(d) without prejudice to the generality of the preceding paragraph, for preventing outbreaks of fire which might endanger—
    - (i) stands, stalls or other structures used or intended for use in connection with any pleasure fair, or
    - (ii) caravans used or intended for use as sleeping accommodation in connection with any pleasure fair,and for reducing the risk of, and the spread of fire from, such outbreaks.]
- and it shall be the duty of the local authority to enforce byelaws made by them under this section.

[<sup>F7</sup>(1A) No byelaw may be made under this section which applies to a pleasure fair or roller skating rink, in so far as the byelaw relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.]

- (2) In this section—
- (a) “pleasure fair” means any place—
    - (i) which is for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any entertainment to which this section applies, and
    - (ii) for admission to which, or for the use of the contrivances in which, a charge is made;
  - (b) “roller skating rink” means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.
- (3) Subject to the provisions of the next following subsection, the entertainments to which this section applies are the following:—
- (a) circuses;
  - (b) exhibitions of human beings or of performing animals;
  - (c) merry-go-rounds, roundabouts, swings, switchback railways;
  - (d) coco-nut shies, hoop-las, shooting galleries, bowling alleys;
  - (e) dodgems or other mechanical riding or driving contrivances;

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- (f) automatic or other machines intended for entertainment or amusement;
- (g) anything similar to any of the foregoing.
- (4) ..... <sup>F8</sup>
- (5) Different byelaws may be made under this section for pleasure fairs and roller skating rinks and for different kinds of pleasure fairs.
- (6) Section two hundred and eighty-seven of the <sup>M3</sup>Public Health Act 1936 (which relates to powers of entry), shall have effect as if this section were contained in that Act.
- (7) Section thirty-eight of the <sup>M4</sup>Public Health Acts Amendment Act 1890 (under which byelaws may be made for the prevention of danger from roundabouts, swings and shooting galleries), shall cease to have effect, but any byelaws under that section in force at the commencement of this Act shall continue in force and may be revoked at any time as if they had been made under this section.
- <sup>F9</sup>(8) The Secretary of State shall be the confirming authority as respects byelaws [<sup>F10</sup>made by a local authority in England ]under this section, and the Secretary of State shall not confirm any byelaws under this section unless he is satisfied that all bodies which appear to him to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies have been consulted on the matters dealt with by the byelaw [<sup>F11</sup>and, in the case of a byelaw made in pursuance of subsection (1)(d) of this section, that the [<sup>F9</sup>fire and rescue authority under the Fire and Rescue Services Act 2004] for the area to which the byelaw applies have been so consulted].
- [<sup>F12</sup>(8A) Subsection (8) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.]
- [<sup>F13</sup>(9) A local authority in Wales which proposes to make a byelaw under this section must consult the appropriate representative bodies on the matters dealt with by the proposed byelaw.
- (10) For the purposes of subsection (9), “the appropriate representative bodies” are those bodies which appear to the authority to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies.
- (11) A local authority in Wales making a byelaw in pursuance of subsection (1)(d) of this section must consult the relevant fire and rescue authority on the matters dealt with by the proposed byelaw.
- (12) For the purposes of subsection (11) “the relevant fire and rescue authority” is the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area to which the byelaw applies.]

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#### Textual Amendments

- F6** S. 75(1)(d) inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(1\)](#)
- F7** S. 75(1A) inserted (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 6](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\), arts. 1\(1\), 2](#))
- F8** S. 75(4) repealed with saving by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(2\), Sch. 2](#)

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- F9** Words in s. 75(8) substituted (7.9.2004 for E. for specified purposes, 1.10.2004 for E. in so far as not already in force, 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 16](#); [S.I. 2004/2304, art. 2](#); [S.I. 2004/2917, art. 2](#)
- F10** Words in s. 75(8) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\), s. 22\(2\), Sch. 2 para. 6\(2\)\(a\)](#); [S.I. 2015/1025, art. 2\(r\) \(with art. 3\)](#)
- F11** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(3\)](#)
- F12** [S. 75\(8A\)](#) inserted (3.3.2016) by [The Byelaws \(Alternative Procedure\) \(England\) Regulations 2016 \(S.I. 2016/165\), reg. 1\(1\), Sch. 2 para. 4\(2\)](#)
- F13** [S. 75\(9\)-\(12\)](#) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\), s. 22\(2\), Sch. 2 para. 6\(2\)\(b\)](#); [S.I. 2015/1025, art. 2\(r\) \(with art. 3\)](#)

#### Marginal Citations

- M3** 1936 c. 49.  
**M4** 1890 c. 59.

## 76 Byelaws as to seaside pleasure boats.

- (1) For the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore, a local authority may make byelaws—
- (a) regulating the speed of pleasure boats;
  - (b) regulating the use of pleasure boats so as to prevent their navigation in a dangerous manner or without due care and attention or without reasonable consideration for other persons;
  - (c) requiring the use of effectual silencers on pleasure boats propelled by internal combustion engines.
- (2) The Secretary of State shall be the confirming authority as respects byelaws made <sup>F14</sup>by a local authority in England under this section.
- (3) ..... <sup>F15</sup>
- (4) Any byelaw made under this section shall be of no effect if and in so far as it is inconsistent with any byelaw made by any dock undertakers or by any person authorised by any enactment or statutory order to construct or operate a pier.

#### Textual Amendments

- F14** Words in s. 76(2) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\), s. 22\(2\), Sch. 2 para. 6\(3\)](#); [S.I. 2015/1025, art. 2\(r\) \(with art. 3\)](#)
- F15** [S. 76\(3\)](#) repealed with saving by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 17\(5\), Sch. 2](#)

#### Modifications etc. (not altering text)

- C7** [S. 76](#) extended by [S.I. 1972/971 art. 4, Sch. 1](#)

## 77 Byelaws as to hairdressers and barbers.

- (1) A local authority may make byelaws for the purpose of securing—
- (a) the cleanliness of premises on which a hairdresser's or barber's business is carried on and of the instruments, towels, materials and equipment used therein, and

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(b) the cleanliness of the hairdressers or barbers working in such premises in regard to both themselves and their clothing;  
and it shall be the duty of the local authority to enforce byelaws made by them under this section.

(2) Section two hundred and eighty-seven of the <sup>M5</sup>Public Health Act 1936 shall have effect as if this section were contained in that Act.

(3) The Minister shall be the confirming authority as respects byelaws [<sup>F16</sup>made by a local authority in England ]under this section.

[<sup>F17</sup>(4) Subsection (3) 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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**Textual Amendments**

**F16** Words in s. 77(3) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), **Sch. 2 para. 6(4)**; S.I. 2015/1025, art. 2(r) (with art. 3)

**F17** S. 77(4) inserted (E.) (3.3.2016) by [The Byelaws \(Alternative Procedure\) \(England\) Regulations 2016 \(S.I. 2016/165\)](#), reg. 1(1), **Sch. 2 para. 4(3)**

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**Marginal Citations**

**M5** 1936 c. 49.

78 ..... <sup>F18</sup>

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**Textual Amendments**

**F18** S. 78 repealed by [Water Act 1981 \(c. 12, SIF 130\)](#), s. 5(2)(4)

79 ..... <sup>F19</sup>

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**Textual Amendments**

**F19** S. 79 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

80 ..... <sup>F20</sup>

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**Textual Amendments**

**F20** S. 80 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **Sch. 2**

**81 Summary recovery of damages for negligence.**

Damages recoverable by a county council, local authority or parish council or parish meeting . . . <sup>F21</sup> for damage caused by negligence to any lamp, lamp-post, notice board,

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fence, rail, post, shelter or other apparatus or equipment provided by them in a street or public place shall, if the amount thereof does not exceed twenty pounds, be recoverable summarily as a civil debt.

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#### **Textual Amendments**

- F21** Words inserted by [London Government Act 1963 \(c. 33\)](#), **Sch. 11 Pt. I para. 40** and repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

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#### **Modifications etc. (not altering text)**

- C8** S. 81 extended by [Local Government Act 1966 \(c. 42\)](#), **s. 28(4)**
- C9** S. 81 extended by [Highways Act 1980 \(c. 66, SIF 59\)](#), **s. 97(4)**
- C10** S. 81: functions of the Secretary of State for Transport may be exercised by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986, art. 2](#), **Sch. 3 para. 5**
- S. 81: functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106, art. 2](#), **Sch. 3 para 5(b)**
- C11** S. 81 functions made exercisable as specified (24.3.2009) by [The Contracting Out \(Highway Functions\) Order 2009 \(S.I. 2009/721\)](#), arts. 1, 3, **Sch. 3 paras. 5(b)**

**Changes to legislation:**

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