



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART I

#### GENERAL

##### *Places of entertainment*

#### **19 Recreational facilities**

- (1) A local authority may provide, inside or outside its area, such recreational facilities as it thinks fit and, without prejudice to the generality of the powers conferred by the preceding provisions of this subsection, those powers include in particular powers to provide—
- (a) indoor facilities consisting of sports centres, swimming pools, skating rinks, tennis, squash and badminton courts, bowling centres, dance studios and riding schools;
  - (b) outdoor facilities consisting of pitches for team games, athletics grounds, swimming pools, tennis courts, cycle tracks, golf courses, bowling greens, riding schools, camp sites and facilities for gliding ;
  - (c) facilities for boating and water ski-ing on inland and coastal waters and for fishing in such waters;
  - (d) premises for the use of clubs or societies having athletic, social or recreational objects ;
  - (e) staff, including instructors, in connection with any such facilities or premises as are mentioned in the preceding paragraphs and in connection with any other recreational facilities provided by the authority ;
  - (f) such facilities in connection with any other recreational facilities as the authority considers it appropriate to provide including, without prejudice to the generality of the preceding provisions of this paragraph, facilities by way

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of parking spaces and places at which food, drink and tobacco may be bought from the authority or another person;

and it is hereby declared that the powers conferred by this subsection to provide facilities include powers to provide buildings, equipment, supplies and assistance of any kind.

- (2) A local authority may make any facilities provided by it in pursuance of the preceding subsection available for use by such persons as the authority thinks fit either without charge or on payment of such charges as the authority thinks fit.
- (3) A local authority may contribute—
  - (a) by way of grant or loan towards the expenses incurred or to be incurred by any voluntary organisation in providing any recreational facilities which the authority has power to provide by virtue of subsection (1) of this section; and
  - (b) by way of grant towards the expenses incurred or to be incurred by any other local authority in providing such facilities;

and in this subsection " voluntary organisation" means any person carrying on or proposing to carry on an undertaking other wise than for profit.
- (4) The Inner London Education Authority may provide swimming pools inside or outside the Inner London Education Area; and sections 120 and 121 of the Local Government Act 1972 (under which local authorities may acquire land by agreement or compulsorily for the purposes of their statutory functions) shall have effect for the purpose of enabling the said Authority to acquire land for the purposes of its functions under this subsection as if the Authority were a principal council within the meaning of that Act.
- (5) Any property which, immediately before the date when this subsection comes into force, is held by a local authority or the Inner London Education Authority for the purposes of section 221(b) of the Public Health Act 1936 or by a local authority for the purposes of section 4 of the Physical Training and Recreation Act 1937 or, in pursuance of section 144(1)(b) of the Local Government Act 1972, for the purposes of recreation shall on and after that date be held by the local authority for the purposes of this section or, as the case may be, by the said Authority for the purposes of the preceding subsection.
- (6) In section 222(1) of the Public Health Act 1936 (which relates to charges in respect of any baths, wash-house, swimming bath or bathing place under the management of a local authority) for the words " washhouse, swimming bath or bathing place " there shall be substituted the words " or washhouse ".

## **20 Provision of sanitary appliances at places of entertainment**

- (1) A local authority (other than a county council and the Greater London Council) may, by a notice served on an owner or occupier of a relevant place in the area of the authority, require him—
  - (a) to provide, before the expiration of a period specified in the notice and in such positions at the place as are so specified, sanitary appliances of such kinds and numbers as are so specified ;
  - (b) to maintain and keep clean the appliances to the reasonable satisfaction of the authority ;

- (c) to provide and maintain a proper supply of such things for use in connection with the appliances as are so specified (which may be or include cold water or hot water or both); and
  - (d) to make the appliances and things available for use by members of the public resorting to the place and, if the notice so requires, to make them so available free of charge.
- (2) A notice in pursuance of this section may require the provision of sanitary appliances on such occasions as are specified in the notice but if it does so it shall not also require the provision of sanitary appliances as respects which occasions are not so specified.
- (3) A notice in pursuance of this section—
  - (a) shall not require the provision, in connection with any building for which fixed sanitary appliances could be required by virtue of building regulations in force when the notice is served if the building were to be newly constructed then, of fixed sanitary appliances which are of a different kind from, or which as respects a particular kind are more numerous than, those which could be required as aforesaid;
  - (b) shall not require the provision of movable sanitary appliances at a betting office ;
  - (c) shall, unless it is an occasional notice, specify as the period before the expiration of which sanitary appliances are to be provided in pursuance of the notice a period equal to or longer than that during which the recipient of the notice may appeal against it in pursuance of the following section.
- (4) It is hereby declared that a notice in pursuance of this section in respect of a relevant place may—
  - (a) be served on an owner or occupier of the place notwithstanding that he is for the time being required to comply with a previous notice served on him in pursuance of this section in respect of the place;
  - (b) require the provision at the place of appliances already provided there.
- (5) A person authorised in writing in that behalf by a local authority (other than a county council and the Greater London Council) may at any reasonable time, upon producing if so required evidence that he is so authorised, enter any relevant place for the purpose of determining whether the authority should serve a notice in pursuance of this section in respect of the place or of ascertaining whether the requirements of such a notice served on a person who is an owner or occupier of the place are being complied with; and a person who wilfully obstructs another person acting in the exercise of powers conferred on the other person by this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (6) Subject to subsections (7) and (8) of this section, a person who without reasonable excuse fails to comply with a notice in respect of a relevant place which was served on him in pursuance of this section when he was an owner or occupier of the place shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or, on conviction on indictment, to a fine; and if after the conviction of a person of such an offence the failure in question continues he shall, as respects each day on which it continues, be guilty of a further offence and liable on summary conviction to a fine not exceeding £50 or, on conviction on indictment, to a fine.
- (7) In proceedings for an offence under the preceding subsection of failing to comply with a notice it shall be a defence to prove that at the time of the failure the person on whom the notice was served was neither an owner nor an occupier of the relevant place in

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question and that he did not cease to be an owner or occupier of it by reason of anything done or omitted by him or any other person with a view to avoiding compliance with the notice.

(8) In proceedings for an offence under subsection (6) of this section which is alleged to have been committed on a particular day it shall be a defence to prove that on that day the relevant place in question was closed to members of the public or was used neither as a betting office nor for any of the purposes mentioned in paragraph (a) of the definition of relevant place in the following subsection; and in proceedings for an offence under subsection (6) of this section of failing to comply with an occasional notice it shall be a defence to prove—

- (a) that the alleged offence is in respect of a requirement of the notice which is unreasonable; or
- (b) that it would have been fairer to serve the notice on a person, other than the defendant,—
  - (i) who was an owner or occupier of the relevant place in question when the notice was served on the defendant, and
  - (ii) whose name and address were furnished by the defendant, to the local authority which served the notice, before the expiration of the period specified in the notice in pursuance of subsection (1)(a) of this section.

(9) In this section and the following section—

" betting office " means a place for which a betting office licence within the meaning of the Betting, Gaming and Lotteries Act 1963 is in force ;

" occasional notice " means a notice in pursuance of this section requiring the provision of sanitary appliances on occasions specified in the notice ;

" sanitary appliances " means water closets, other closets, urinals and wash basins ;

" relevant place " means any of the following places—

- (a) a place which is normally used or is proposed to be normally used for any of the following purposes, namely—
  - (i) the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise,
  - (ii) the sale of food or drink to members of the public for consumption at the place;
- (b) a place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for any of the purposes aforesaid ;  
and
- (c) a betting office.

(10) Without prejudice to the operation of section 38(1) of the Interpretation Act 1889, in section 6(1) of the Chronically Sick and Disabled Persons Act 1970 (which provides that a person required to provide sanitary conveniences by a notice under section 89 of the Public Health Act 1936 shall in complying with the notice have regard to the needs of disabled persons) for the words " section 89 of the Public Health Act 1936 " there shall be substituted the words " section 20 of the Local Government (Miscellaneous Provisions) Act 1976 ".

## **21 Appeal to county court against certain notices under s. 20**

- (1) A person on whom a notice other than an occasional notice is served in pursuance of the preceding section may, within six weeks beginning with the date of service of the notice, appeal to the county court against the notice on one or both of the following grounds, namely—
  - (a) that a requirement of the notice is unreasonable; and
  - (b) that it would have been fairer to serve the notice on another person who is an owner or occupier of the relevant place in question.
- (2) Where a ground of an appeal in pursuance of the preceding subsection is the ground mentioned in paragraph (b) of that subsection the other person in question shall be made a respondent to the appeal in accordance with rules of court except in a case where the rules provide that he shall not be made a respondent to the appeal.
- (3) On an appeal in pursuance of subsection (1) of this section the court shall either—
  - (a) quash the notice to which the appeal relates; or
  - (b) modify the notice so that, instead of imposing its requirements on the appellant, it imposes them upon another person who is an owner or occupier of the relevant place in question ; or
  - (c) order that the appellant be entitled to recover from such a person a specified part of the expenses incurred by the appellant in complying with the notice; or
  - (d) dismiss the appeal;but the court shall not be entitled to exercise its powers under paragraph (b) or (c) of this subsection unless a ground of the appeal is that mentioned in paragraph (b) of subsection (1) of this section.
- (4) Where the court modifies a notice in pursuance of paragraph (b) of the preceding subsection the notice shall be deemed to be served in pursuance of the preceding section on the other person in question on the date on which the modification is made; but that person shall not be entitled to appeal against the notice in pursuance of this section.
- (5) It shall be the duty of the court, in determining whether to order that the appellant be entitled to recover from another person a part of the cost of complying with a notice, to have regard to the terms of any agreement relating to the relevant place in question to which either person is a party.
- (6) Where a person appeals in pursuance of this section against a notice, the notice shall be of no effect pending the determination of the appeal; and where the court determines the appeal otherwise than by quashing the notice it may extend the period specified in the notice in pursuance of subsection (1)(a) of the preceding section.

## **22 Byelaws about fairs etc.**

- (1) In subsection (1) of section 75 of the Public Health Act 1961, after paragraph (c) (by virtue of which certain authorities may make byelaws for, among other things, the preservation of cleanliness, order and public safety at any pleasure fair within the meaning of that section) there shall be inserted the following paragraph—
  - “(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

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- (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.”
- (2) Subsection (4) of the said section 75 (which provides that nothing in that section or any byelaws under it applies to certain fairs or to places controlled by authorities having powers to make byelaws for those places) shall cease to have effect; but the repeal of that subsection shall not have the effect of applying byelaws made before the repeal comes into force to a fair or place specified in that subsection.
- (3) At the end of subsection (8) of the said section 75 (which among other things requires the Secretary of State to be satisfied, before he confirms a byelaw under that section, that bodies representing the interests of persons carrying on the entertainments to which that section applies have been consulted about the byelaw) there shall be inserted the words " and, in the case of a byelaw made in pursuance of subsection (1) (d) of this section, that the fire authority within the meaning of the Fire Services Act 1947 for the area to which the byelaw applies have been so consulted " .