



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Alterations of supplemental provisions of Public Health Acts

27 Alterations of supplemental provisions of Public Health Acts

- (1) The following provisions of the Public Health Act 1875 shall cease to have effect, namely—
 - section 253 (which restricts proceedings for the recovery of penalties under that Act);
 - section 262 (which provides that things done under that Act are not to be set aside for want of form);
 - sections 293 and 294 (which relate to inquiries and the costs of certain proceedings under that Act);
 - sections 299 to 302 (which relate to defaulting authorities);
 - section 304 (which relates to the settlement of differences arising from that Act);
 - section 309 (which relates to the compensation of officers who lost office or emoluments in consequence of that Act).
- (2) In section 265 of the said Act of 1875 (which relates to the protection from personal liability of members and officers of certain authorities but provides that the section does not exempt such a member from liability to be surcharged with an amount disallowed by the auditor) for the words from " be surcharged " onwards there shall be substituted the words " make any payment in pursuance of section 161 of the Local Government Act 1972 ".
- (3) The following provisions of the Public Health Act 1936 shall cease to have effect, namely—

Status: This is the original version (as it was originally enacted).

section 271 (which relates to the interpretation of the word " provide ");
in section 293 (which among other things relates to the summary recovery of sums) the words " either summarily as a civil debt, or " and subsection (2);
section 295 (which relates to charging orders);
section 312 (which relates to the confirmation of byelaws);
section 313 (which relates to the adaptation of local Acts);
section 314 (which enables provisions of that Act to be applied to certain authorities in the place of corresponding provisions repealed by that Act);
in section 322 (which relates to councils in default), subsection (1) and, in subsection (3), paragraph (i) and the words " (ii) in any other case ";
section 323 (which relates to provisions of section 322 repealed by this Act).

- (4) For the purposes of the provisions of the Public Health Act 1936 relating to joint boards within the meaning of that Act and port health authorities, sections 16, 32 and 41 of this Act (which correspond respectively to sections 277, 274 and 286 of that Act) shall be treated as provisions of that Act and may accordingly be applied to those bodies by orders under those provisions.
- (5) In section 322 of the Public Health Act 1936 (which relates to councils in default), for the words in subsection (2) from the beginning to " question " there shall be substituted the words " If the Minister is satisfied that any council, port health authority or joint board have failed to discharge their functions under this Act in any case where they ought to have done so ", and for the words " so specified " in subsection (3) there shall be substituted the words " specified in his order ".
- (6) The repeal by this Act of sections 295, 313 and 314 of the Public Health Act 1936 shall not affect any order in force by virtue of the section in question immediately before the repeal takes effect.
- (7) It is hereby declared that references in the preceding provisions of this section to any enactment do not include references to it as incorporated in or applied by or under any other enactment.