



# Public Health Act 1961

## 1961 CHAPTER 64

### PART IV

#### STREETS AND PUBLIC PLACES

##### *Parks and open spaces*

#### **52 Management of parks and pleasure grounds**

- (1) Sections seventy-six and seventy-seven of the Public Health Acts Amendment Act, 1907 (which give a local authority certain powers as regards their parks and pleasure-grounds), together with Part VI of the Public Health Act, 1925 (which extends the said section seventy-six), shall be in force throughout the district of every local authority and section three of the said Act of 1907 (which relates to the adoption by a local authority of provisions in that Act) shall not apply to the said sections seventy-six and seventy-seven.
- (2) When any part of a park or pleasure-ground is set apart by a local authority under paragraph (b) of subsection (1) of the said section seventy-six for the purpose of cricket, football or any other game or recreation, the local authority may, subject to the restrictions or conditions, if any, prescribed by rules made under that section, permit the exclusive use by any club or other body of persons of—
  - (a) any portion of the part set apart as aforesaid, and
  - (b) the whole or any part of any pavilion, convenience, refreshment room or other building provided under that section,subject to such charges and conditions as the local authority think fit.
- (3) Subsection (2) of this section shall not empower a local authority to permit at one and the same time the exclusive use of—
  - (a) more than one-third of the area of any park or pleasure ground, or
  - (b) more than one-quarter of the total area of all the parks and pleasure-grounds provided by them or under their management and control,

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and in exercising their powers under paragraph (a) of that subsection, the local authority must satisfy themselves that they have not unfairly restricted the space available to the public for games and recreations.

- (4) Subsections (2) and (3) of this section shall be read as one with the said section seventy-six.

### **53 Closing of parks and pleasure grounds**

- (1) Subsection (1) of section forty-four of the Public Health Acts Amendment Act, 1890 (which empowers a local authority to close their parks and pleasure-grounds or to allow their use for a show or other special purposes), shall be amended as follows.
- (2) That subsection shall be in force throughout the district of every local authority, and sections three and five of the said Act (which relate to the adoption or bringing into force of provisions in that Act) shall not apply to that subsection.
- (3) So much of the said subsection as restricts the power of closing parks or pleasure-grounds shall have effect as if for the reference to four consecutive days there were substituted a reference to six consecutive days (excluding Sunday) and in computing any such period of six consecutive days a Saturday and the following Monday shall be regarded as consecutive days.
- (4) The proviso to the said subsection (which prohibits the closing of a park or pleasure ground on a Sunday or public holiday) shall cease to apply to a public holiday, but on any bank holiday, or on Christmas Day or Good Friday, or on a day appointed for public thanksgiving or mourning, a local authority shall not have power under the subsection to close any park or pleasure-ground, or any part thereof, if the area so closed, together with any other area so closed, exceeds one-quarter of the total area of all the parks or pleasure-grounds provided by the local authority.
- (5) The reference in paragraph (d) of subsection (1) of section eight of the Local Government Act, 1894 (under which parish councils may provide pleasure-grounds), to section forty-four of the said Act of 1890 shall be taken as a reference to that section as amended by this section.

### **54 Boating pools and lakes**

- (1) Subject to the provisions of this section, a local authority or parish council may in any park or pleasure-ground provided by them, or under their management and control, provide a boating pool.
- (2) The local authority or parish council may provide such buildings and execute such work as may be necessary or expedient in connection with the provision of a boating pool under this section, and may also provide boats for the boating pool and such other equipment as may be reasonably required in connection with the use of the boating pool and buildings.

References in this section to a boating pool so provided shall include references to anything else provided under this subsection.

- (3) The local authority or parish council may either—
- (a) themselves manage a boating pool provided under this section, making such reasonable charges for its use, or for admission, as they think fit, or

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- (b) let it, or any part of it, for such consideration, and on such terms and conditions, as they think fit.
- (4) Where the existence of a boating pool is likely to interfere with any water flowing directly or indirectly out of or into any watercourse which is vested in or controlled by a river board, catchment board or internal drainage board, the local authority or parish council shall before providing a boating pool under this section consult with the board.
- (5) No power given by this section shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a park or pleasure-ground has been accepted or made without the consent of the donor, grantor, lessor or other person or persons entitled in law to the benefit of the covenant or condition.
- (6) Subsection (2) of section forty-four of the Public Health Acts Amendment Act, 1890 (which gives a local authority certain powers as regards lakes and water in parks and pleasure-grounds)—
  - (a) shall apply in relation to a park or pleasure-ground under the management and control of a local authority as it applies in relation to a park or pleasure-ground provided by them, and
  - (b) shall be in force throughout the district of every local authority; and sections three and five of the said Act shall not apply to that subsection.
- (7) Section two hundred and seventy-eight of the Public Health Act, 1936 (under which compensation may be paid for damage incurred in consequence of the exercise by the local authority of their powers under that Act), shall apply as if this section were contained in that Act.
- (8) In the First Schedule to the Parish Councils Act, 1957 (which lists the expenses of parish councils which are not subject to the limit imposed by section one hundred and ninety-three of the Local Government Act, 1933), there shall be added at the end of paragraph 3 (which relates to expenditure on recreation grounds) the following words—

“or in exercising any powers under section fifty-four of the Public Health Act, 1961”.
- (9) Sections three hundred and thirty-one and three hundred and thirty-four of the Public Health Act, 1936 (which contain savings for water rights and for the works of land drainage authorities), shall apply as if this section were contained in that Act and as if references in those sections to a local authority included references to a parish council.
- (10) It is hereby declared that this section does not authorise a local authority or parish council to do anything in contravention of byelaws made under section forty-seven of the Land Drainage Act, 1930 (under which byelaws may be made, among other things, for regulating the use of watercourses).