



Public Health Act 1936

1936 CHAPTER 49

PART XII

GENERAL.

Powers of the Minister.

312 Confirmation of byelaws.

The Minister shall be the confirming authority as respects byelaws made under this Act.

313 Orders for amendment or adaptation of local Acts.

- (1) Where at the date of the passing of this Act there is in force—
- (a) in any county borough a local Act the Bill for which was promoted by the council of the borough; or
 - (b) in any county or county district a local Act the Bill for which was promoted either by the county council or by the local authority of the district;

and the said local Act contains provisions appearing to the Minister either to be inconsistent with any of the provisions of this Act, or to have become redundant in consequence of the passing of this Act, the Minister on the application, in the first mentioned case, of the council of the county borough, and, in the second mentioned case, of the county council or of the local authority, as the case may be, may by order make such alterations, whether by amendment or by repeal, in the local Act as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be.

- (2) This section applies in relation to a local Act the Bill for which was promoted by any authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by the council of a county borough, a county

Status: This is the original version (as it was originally enacted).

council or the local authority of a district, as if the Bill for that Act had been promoted by the council of the county borough, the county council or the local authority.

- (3) Any order made under this section shall be laid before each House of Parliament for a period of thirty days during the Session of Parliament, and, if before the expiration of that period either House resolves that the order be annulled, it shall be void, but without prejudice to the making of a new order:

Provided that, in reckoning any such period of thirty days as aforesaid, no account shall be taken of any time during which both Houses are adjourned for more than four days.

314 Power to apply corresponding provisions of Act to joint boards, and &c, in substitution for repealed provisions.

Where by a provisional or other order in operation immediately before the commencement of this Act any enactment repealed by this Act has been applied to a port health authority or joint board, that order may be amended by an order of the Minister applying to the authority or board, in substitution for any enactment so repealed, any corresponding enactment in this Act which the Minister could under this Act apply to an authority or board of the like kind :

Provided that, if the Minister's order is not made within two years after the commencement of this Act, and on the application of the authority or board in question, the order shall be provisional only and shall not have effect until it is confirmed by Parliament.

315 Existing isolation hospital committees to be dissolved.

- (1) Before the expiration of two years from the commencement of this Act, the Minister shall by order dissolve every hospital committee constituted under the Isolation Hospitals Acts, 1893 and 1901, and transfer the property and liabilities of the committee—
- (i) if the committee consist wholly of representatives of a county council, or of a single local authority, to that council or authority; and
 - (ii) if the committee consist wholly of representatives of two or more local areas, or partly of such representatives and partly of representatives of a county council, to a joint board to be constituted by the order for the same local areas and consisting, in the first case, of members to be appointed by the local authorities for those areas and, in the second case, of members to be so appointed together with members to be appointed by the county council:

Provided that, if the committee request the Minister so to do, the Minister, in lieu of transferring their property and liabilities to a county council or joint board, may order their property to be disposed of, and, if the committee represent two or more councils or authorities, may order the proceeds of such disposal and the liabilities of the committee to be apportioned between the constituent councils and authorities as he may think fit.

- (2) Before making an order under this section, the Minister shall cause a local inquiry to be held, if he is requested so to do by any council who are represented on the isolation hospital committee.
- (3) A joint board constituted by an order under this section shall be a body corporate by such name as may be determined by the order and shall have perpetual succession and

a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

- (4) A joint board so constituted shall be deemed to be a joint board constituted under section six of this Act and the provisions of this Act relating to joint boards constituted under that section shall apply accordingly, except that the order constituting the board shall not require confirmation by Parliament.

316 Adaptation, where necessary, of provisional order procedure.

- (1) In relation to any order made by the Minister under this Act which requires confirmation by Parliament but was not made on the application of any local authority, section two hundred and eighty-five of the Local Government Act, 1933 (which relates to the procedure for making provisional orders), shall have effect as if for references therein to the applicants for the order and to the application for the order there were substituted respectively references to the Minister and to the order proposed to be made by him.
- (2) The expenses incurred by the Minister in connection with the making and confirmation of any such order as aforesaid shall be paid by such council, or by such councils in such shares, as he may direct, and the amount of those expenses as certified by him, or the amount of any share thereof so certified, shall be recoverable by him from the council liable therefor as a debt due to the Crown.

317 Amendment of 38 and 39 Vict. c. 55, s. 303.

In section three hundred and three of the Public Health Act, 1875 (which relates to the power of the Minister to repeal and alter local Acts by means of provisional orders), the reference to any local Act which relates to the same subject-matters as that Act shall be construed as including a reference to any local Act which relates to the same subject-matters as this Act.

318 Local inquiries.

The Minister may cause a local inquiry to be held in any case where he is authorised by this Act to determine any difference, to make any order, to frame any scheme, to give any consent, confirmation, sanction or approval, or otherwise to act under this Act, and in any other case where he deems it advisable that a local inquiry should be held in relation to any matter concerning the public health in any place.