



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART XII

GENERAL

Relinquishment and transfer of powers and duties

322 Power of Minister to enforce exercise of powers by local authorities, &c., in default.

- (1)^{F1}
- (2) [^{F2}If the Minister is satisfied that any council . . .^{F3} or joint board have failed to discharge their functions under this Act in any case where they ought to have done so], he may make an order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, and in such manner and within such time or times, as may be specified in the order.
- (3) If a council, authority or board with respect to whom an order has been made under the last preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order by mandamus or otherwise, may—
 - (i) . . .^{F4}
 - (ii) . . .^{F5}, make an order transferring to himself such of the functions of the body in default as may be [^{F2}specified in his order].

Textual Amendments

- F1** Ss. 322(1), 323 repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)
- F2** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [s. 27\(5\)](#)
- F3** Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), [s. 78](#), [Sch. 3](#)
- F4** S. 322(3)(i) repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)
- F5** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [Sch. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Section 322. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 322 excluded by [Clean Air Act 1968 \(c. 62\)](#), **s. 8(7)**
- C2** S. 322 applied by [Housing Act 1985 \(c. 68, SIF 61\)](#), **s. 410(2)**
- C3** S. 322 restored for specified purposes by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 1(3)**
(with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Section 322.