



Public Health Act 1936

1936 CHAPTER 49

PART XII

GENERAL.

Relinquishment and transfer of powers and duties.

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

- (1) If—
 - (i) a complaint is made to the Minister 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; or
 - (ii) the Minister is of opinion that an investigation should be made As to whether any council, port health authority or joint board have failed as aforesaid, the Minister may cause a local inquiry to be held into the matter.
- (2) If, after a local inquiry has been held in pursuance either of this section or of the last preceding section, the Minister is satisfied that there has been such a failure on the part of the council, authority or board in question, 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) if the body in default are the council of a county district, or a joint board whose district lies wholly within one county, or a port health authority whose district (so far as it does not consist of water) lies wholly within one county, make

Status: This is the original version (as it was originally enacted).

- an order transferring to the council of the county such of the functions of the body in default as may be specified in his order;
- (ii) in any other case, make an order transferring to himself such of the functions of the body in default as may be so specified.