

Status: Point in time view as at 21/05/2016.

Changes to legislation: There are currently no known outstanding effects for the Local Government Byelaws (Wales) Act 2012, SCHEDULE 2. (See end of Document for details)

SCHEDULE 2

(introduced by section 20)

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Health Act 1875

- 1 In section 184 of the Public health Act 1875 (confirmation of byelaws) after “local authority” insert “ in England ”.

Commencement Information

- 11** Sch. 2 para. 1 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Commons Act 1899

- 2 (1) Section 10 of the Commons Act 1899 (byelaws) (as amended by section 50(7) of the Commons Act 2006 when brought into force) is amended as follows.
- (2) In subsection (2), after “apply” omit “all byelaws under this section” and insert “byelaws under this section made by a council in England ”.
- (3) After subsection (2) insert –
- “(3) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide proof of byelaws in legal proceedings) apply to byelaws under this section made by a council in Wales.”.

Commencement Information

- 12** Sch. 2 para. 2 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Open Spaces Act 1906

- 3 In section 15(2) of the Open Spaces Act 1906 (byelaws) after “any local authority” insert “ in England ”.

Commencement Information

- 13** Sch. 2 para. 3 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Public Health Acts Amendment Act 1907

- 4 (1) The Public Health Acts Amendment Act 1907 is amended as follows.
- (2) In section 9 (byelaws) after “byelaws made” insert “ by a local authority in England ”.
- (3) In section 82 (byelaws as to sea-shore), after the words “Provided that” insert “ , in the case of byelaws made by a local authority in England, ”.

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Commencement Information

I4 Sch. 2 para. 4 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

National Parks and Access to the Countryside Act 1949

- 5 (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 106 (supplementary provisions as to byelaws) after subsection (4) insert –
- “(5) This section does not apply to byelaws made under this Act by the Countryside Council for Wales.”.
- (3) After section 106 insert –

“106A Supplementary provisions as to byelaws made by the Countryside Council for Wales

- (1) Sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 shall apply to all byelaws made by the Countryside Council for Wales under this Act.
- (2) The confirming authority for the purposes of section 7 of the 2012 Act is the Welsh Ministers.”.

Commencement Information

I5 Sch. 2 para. 5 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Public Health Act 1961

- 6 (1) The Public Health Act 1961 is amended as follows.
- (2) In section 75 (byelaws as to pleasure fairs and roller skating rinks) –
- (a) in subsection (8) after the words “as respects byelaws” insert “ made by a local authority in England ”.
- (b) after subsection (8) insert –
- “(9) A local authority in Wales which proposes to make a byelaw under this section must consult the appropriate representative bodies on the matters dealt with by the proposed byelaw.
- (10) For the purposes of subsection (9), “the appropriate representative bodies” are those bodies which appear to the authority to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies.
- (11) A local authority in Wales making a byelaw in pursuance of subsection (1)(d) of this section must consult the relevant fire and rescue authority on the matters dealt with by the proposed byelaw.

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- (12) For the purposes of subsection (11) “the relevant fire and rescue authority” is the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area to which the byelaw applies.”
- (3) In section 76(2) (byelaws as to seaside pleasure boats) after the words “byelaws made” insert “ by a local authority in England ”.
- (4) In section 77(3) (byelaws as to hairdressers and barbers) after “byelaws” insert “ made by a local authority in England ”.

Commencement Information

I6 Sch. 2 para. 6 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Public Libraries and Museums Act 1964

- 7 (1) Section 19 of the Public Libraries and Museums Act 1964 (byelaws in relation to libraries and museums) is amended as follows.
- (2) In subsection (1) after the words “so made” insert “ by a local authority in England ”.
- (3) In subsection (2) after the words in brackets insert “ and section 10 of the Local Government Byelaws (Wales) Act 2012 ”.
- (4) In subsection (3) after the words in brackets insert “ and section 8(5) of the Local Government Byelaws (Wales) Act 2012 (as applicable) ”.

Commencement Information

I7 Sch. 2 para. 7 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Countryside Act 1968

- 8 (1) The Countryside Act 1968 is amended as follows.
- (2) In section 8 (country parks: sailing, boating, bathing and fishing) –
- (a) in subsection (5), omit “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) after subsection (5), insert –
- “(5A) In the case of byelaws made by a local authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
- (5B) In the case of byelaws made by a local authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (3) In section 12 (facilities in or near National Parks) –

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- (a) in subsection (5), omit “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) after subsection (5), insert –
 - “(5A) In the case of byelaws made by a local planning authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
 - (5B) In the case of byelaws made by a local planning authority in Wales –
 - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
 - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (4) In section 13 (lakes in National Parks: control of boats etc) –
 - (a) in subsection (8), at the beginning, insert “ In the case of byelaws made by a local planning authority in England, ”,
 - (b) after subsection (8), insert –
 - “(8A) In the case of byelaws made by a local planning authority in Wales –
 - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
 - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (5) In section 41 (powers to make byelaws and related provisions about wardens) –
 - (a) in subsection (7), at the beginning, insert “ In the case of byelaws made by a local planning authority in England, or by Natural England, ”,
 - (b) after subsection (7), insert –
 - “(7A) In the case of byelaws made by a local planning authority in Wales, or by the Council –
 - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
 - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.

Commencement Information

18 Sch. 2 para. 8 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Local Government Act 1972

- 9 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 235(1) (powers of councils to make byelaws for good rule and government etc) –
 - (a) omit “the council of a principal area in Wales”;
 - (b) after the second “district” omit “principal area”.

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- (3) In section 236 (procedure etc for byelaws) –
- (a) in subsection (1) after “local authority” in each case insert “ in England ”;
 - (b) in subsection (3), omit “or community”;
 - (c) in subsection (9) –
 - (i) omit “or in Wales of a principal council”;
 - (ii) omit the words “or community” in each case where they appear;
 - (d) omit subsection (10A).
- (4) In section [F1236B (revocation of byelaws)] –
- (a) in subsection (1)(a) after “local authority” insert “ in England ”;
 - (b) in subsection (4) –
 - (i) omit paragraph (a);
 - (ii) in paragraph (b), omit “in relation to any other byelaw,”;
 - (c) omit subsections (6), (10) and (11).
- (5) In section 238 (evidence of byelaws) after “local authority” insert “ in England ”.

Textual Amendments

- F1** Words in Sch. 2 para. 9(4) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), Sch. 1 para. 6

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- I9** Sch. 2 para. 9(1)-(3)(5) in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Local Government (Miscellaneous Provisions) Act 1976

- 10 (1) Section 65 of the Local government (Miscellaneous Provisions) Act 1976 (fixing fares for hackney carriages) is amended as follows.
- (2) In subsection (7) –
- (a) after “this section” insert “ by a district council in England ”;
 - (b) after “district council” insert “ in England ”.
- (3) After subsection (7) insert –
- “(7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales.”.

Commencement Information

- I10** Sch. 2 para. 10 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Wildlife and Countryside Act 1981

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Textual Amendments

- F2** Sch. 2 para. 11 omitted (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(g), [Sch. 2 para. 30\(5\)](#)

Food Act 1984

- 12 In section 121(1) of the Food Act 1984 (byelaws) after “Act” insert “ by a local authority in England ”.

Commencement Information

- I11** Sch. 2 para. 12 in force at 31.3.2015 by [S.I. 2015/1025](#), [art. 2\(r\)](#) (with [art. 3](#))

Road Traffic Regulation Act 1984

- 13 (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 31(2) (byelaws with respect to roads used as playgrounds) after “this section” insert “ made by a local traffic authority in England ”.
- (3) In section 57(7) (byelaws with respect to the use of parking places) after “Secretary of State” insert “ , in the case of byelaws made by a parish council ”.

Commencement Information

- I12** Sch. 2 para. 13 in force at 31.3.2015 by [S.I. 2015/1025](#), [art. 2\(r\)](#) (with [art. 3](#))

Land Drainage Act 1991

- 14 (1) Section 66 of the Land Drainage Act 1991 (powers to make byelaws) is amended as follows.
- (2) In subsection (5) omit paragraph (c).
- (3) After subsection (5) insert –
- “(5A) In the case of byelaws made by a local authority in relation to any area of Wales, byelaws under this section shall not be valid until they are confirmed by the Welsh Ministers.
- (5B) Sections 7 and 8 of the Local Government Byelaws (Wales) Act 2012 shall have effect in relation to byelaws under this section made by a local authority in Wales.”.

Commencement Information

- I13** Sch. 2 para. 14 in force at 31.3.2015 by [S.I. 2015/1025](#), [art. 2\(r\)](#) (with [art. 3](#))

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Cardiff Bay Barrage Act 1993

- 15 In section 16 of the Cardiff Barrage Act 1993 (byelaws) omit subsections (8), (9) and (10).

Commencement Information

I14 Sch. 2 para. 15 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Environment Act 1995

- 16 (1) Paragraph 17 of Schedule 7 to the Environment Act 1995 (documents, notices, records, byelaws etc) is amended as follows.
- (2) In sub-paragraph 2(e) after “Act,” insert “ in the case of National Park authorities in England,”.
- (3) In sub-paragraph (5) after “National Park authority” insert “ in England ”.

Commencement Information

I15 Sch. 2 para. 16 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672)

- 17 (1) Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) (enactments conferring functions transferred by article 2) is amended as follows.
- (2) Under the heading “Local Government Act 1972” –
- (a) omit the words “It is directed that the functions of the Secretary of State under section 236(11) and paragraph 25 of Schedule 14 shall be exercisable by the Assembly concurrently with the Secretary of State”;
- (b) omit the words “Section 238 shall have effect as if after “the Secretary of State” there were inserted “ or, as the case may be, the National Assembly for Wales ””.

Commencement Information

I16 Sch. 2 para. 17 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

Countryside and Rights of Way Act 2000

- 18 (1) Section 17 of the Countryside and Rights of Way Act 2000 (byelaws) is amended as follows.
- (2) In subsection (5) after “this section” insert “ made by an access authority in England ”.
- (3) After subsection (5) insert –

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“(5A) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 apply to all byelaws under this section made by an access authority in Wales.”.

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I17 Sch. 2 para. 18 in force at 31.3.2015 by S.I. 2015/1025, art. 2(r) (with art. 3)

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