

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8

Provision of Toilets

Section 116 - Local authority power to provide public toilets

253. This section provides that local authorities in Wales may provide public toilets in any part of their areas. It restates the powers previously conferred on local authorities under section 87 of the Public Health Act 1936 in relation to the provision of public toilets and the power to charge for the use of the toilets that they provide.
254. In this section, and unlike the preceding sections, the term “local authority” includes a community council. When deciding whether to provide toilets, where toilets are to be provided, or deciding the type of toilets to be provided, a local authority must have regard to the local toilets strategy that is in place for its area. In the case of a community council, the relevant toilets strategy will be the strategy for the council of the county or county borough in which the community is located. A local authority may charge fees for the use of toilets that it provides under this section.
255. If toilets are to be on or under land adjoining, or in the vicinity of, a highway or proposed highway, the relevant highway authority must consent to the provision of the toilets. In some cases, the local authority will be the highway authority, so no consent will be required. The definition of “highway” in this section is the same as in section 328 of the Highways Act 1980; this definition captures bridges in cases where a highway passes over a bridge and tunnels in cases where a highway passes through a tunnel.