



Public Health (Wales) Act 2017

2017 anaw 2

PART 8

PROVISION OF TOILETS

Local authority power to provide public toilets

116 Local authority power to provide public toilets

- (1) A local authority may provide toilets in its area for use by the public.
- (2) A local authority must have regard to the relevant local toilets strategy when determining—
 - (a) whether to provide toilets under subsection (1), and
 - (b) the types of toilets to be provided.
- (3) For the purposes of subsection (2), the relevant local toilets strategy is—
 - (a) in the case of a county or county borough council (“a principal council”), the local toilets strategy most recently published under section 113 by that council, and
 - (b) in the case of a community council, the local toilets strategy most recently published under section 113 by the principal council of the area in which the community council is situated.
- (4) A local authority may not provide toilets under subsection (1) on or under land adjoining, or in the vicinity of, a highway or proposed highway unless—
 - (a) the local authority is (or in the case of a proposed highway, will be) the highway authority for that highway, or
 - (b) the local authority has obtained the consent of the highway authority for that highway, or (in the case of a proposed highway) of the authority that will be the highway authority for that highway, to provide such toilets.
- (5) A local authority that provides toilets under this section may charge fees for the use of those toilets.

Changes to legislation: Public Health (Wales) Act 2017, Cross Heading: Local authority power to provide public toilets is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) In this section—

“highway” (“*priffordd*”) has the meaning given by section 113(9);

“local authority” (“*awdurdod lleol*”) includes a community council.

Commencement Information

I1 S. 116 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

117 Power to make byelaws in relation to toilets

- (1) A local authority that provides toilets under section 116 may make byelaws as to the conduct of persons using or entering them.
- (2) Where a community council makes byelaws under subsection (1) in respect of toilets provided by it, the byelaws (if any) made under section 2 of the Local Government Byelaws (Wales) Act 2012 (anaw 2), in relation to those toilets by the county or county borough council of the area in which the community council is situated, are of no effect during the currency of the byelaws made by the community council.
- (3) For the purposes of this section “local authority” is to be read in accordance with section 116.

Commencement Information

I2 S. 117 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

118 Consequential amendments

For amendments consequential on this Part, see Schedule 4.

Commencement Information

I3 S. 118 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

Changes to legislation:

Public Health (Wales) Act 2017, Cross Heading: Local authority power to provide public toilets is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)