

**Changes to legislation:** Local Government Byelaws (Wales) Act 2012, SCHEDULE 1 is up to date with all changes known to be in force on or before 04 October 2023. 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

## SCHEDULE 1

(introduced by sections 6 and 12)

### LISTS OF BYELAW MAKING POWERS

#### PART 1

##### BYELAWS NOT REQUIRING CONFIRMATION

- 1 Section 6 applies to byelaws made –
- (a) under the enactments listed in the first column of table 1,
  - (b) in relation to the subject matter listed in the second column of table 1,
  - (c) by the type of authority listed in the third column of table 1.

TABLE 1

Enactment under which byelaws are made	Subject-matter of byelaws	Type of authority by whom the byelaws are made
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County council and county borough council
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County council, county borough council and community council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County council and county borough council
Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County council, county borough council and community council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County council and county borough council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County council and county borough council
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County council and county borough council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County council and county borough council
F1	F1	F1
...	...	...
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County council, county borough council and community council

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Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc	County council, county borough council and community council
Section 231 of the Public Health Act 1936	Public bathing	County council, county borough council and community council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the management of a local authority	County council, county borough council and community council
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc	County council and county borough council
Section 270 of the Public Health Act 1936	Accommodation of hop-pickers and persons engaged in similar work	County council and county borough council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County council and county borough council
Section 76 of the Public Health Act 1961	Seaside pleasure boats	County council and county borough council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County council and county borough council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County council and county borough council
[ <sup>F2</sup> Section 41 of the Glamorgan County Council Act 1973	Heating undertakings	County council and county borough council]
Section 35 of the Highways Act 1980	Regulation of walkways	County council and county borough council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County council and county borough council
Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County council and county borough council
Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	County council and county borough council

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Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County council, county borough council and community council
Section 31 of the Road Traffic Regulation Act 1984	Use of a road as a playground for children	County council and county borough council
Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community council
[ <sup>F3</sup> Section 41 of the Clwyd County Council Act 1985	Leisure centres	County council and county borough council
Section 42 of the Clwyd County Council Act 1985	Temporary structures	County council and county borough council]
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County council and county borough council
[ <sup>F4</sup> Section 53 of the Swansea City Council (Tawe Barrage) Act 1986	Upstream river	County council (Swansea)
Section 31 of the Mid Glamorgan County Council Act 1987	Porthcawl Harbour	County borough council (Bridgend)
Section 14 of the West Glamorgan Act 1987	Leisure centres	County council and county borough council
Section 36 of the West Glamorgan Act 1987	Policing and control of pedestrian ways	County council and county borough council
Section 41 of the West Glamorgan Act 1987	Temporary structures	County council and county borough council
Section 63 of the West Glamorgan Act 1987	Swansea Market	County council (Swansea)
Section 45 of the Dyfed Act 1987	Temporary structures	County council and county borough council]
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County council (Cardiff)
Section 2 of this Act	Good rule and government[ <sup>F5</sup> and the prevention and suppression of nuisances]	County council and county borough council

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Section 4(1) of this Act in so far as it applies to byelaws made under any of the enactments listed in Part 1 of Schedule 1	Power to revoke byelaws	Legislating authority
[ <sup>F6</sup> Section 117 of the Public Health (Wales) Act 2017]	[ <sup>F6</sup> Regulating the conduct of persons in toilets]	[ <sup>F6</sup> County council, county borough council and community council]

#### Textual Amendments

- F1** Words in Sch. 1 Pt. 1 Table 1 omitted (31.5.2018) by virtue of [Public Health \(Wales\) Act 2017](#) (anaw 2), s. 126(2), [Sch. 4 para. 3\(2\)](#); S.I. 2018/605, art. 2(b)
- F2** Words in Sch. 1 Pt. 1 Table 1 inserted (19.11.2014) by [The Local Government Byelaws \(Wales\) Act 2012 \(Amendment\) Order 2014 \(No. 3111\)](#), arts. 1(2), [2\(2\)](#)
- F3** Words in Sch. 1 Pt. 1 Table 1 inserted (19.11.2014) by [The Local Government Byelaws \(Wales\) Act 2012 \(Amendment\) Order 2014 \(No. 3111\)](#), arts. 1(2), [2\(3\)](#)
- F4** Words in Sch. 1 Pt. 1 Table 1 inserted (19.11.2014) by [The Local Government Byelaws \(Wales\) Act 2012 \(Amendment\) Order 2014 \(No. 3111\)](#), arts. 1(2), [2\(4\)](#)
- F5** Words in Sch. 1 Pt. 1 Table 1 inserted (19.11.2014) by [The Local Government Byelaws \(Wales\) Act 2012 \(Amendment\) Order 2014 \(No. 3111\)](#), arts. 1(2), [2\(5\)](#)
- F6** Words in Sch. 1 Pt. 1 Table 1 inserted (31.5.2018) by [Public Health \(Wales\) Act 2017](#) (anaw 2), s. 126(2), [Sch. 4 para. 3\(3\)](#); S.I. 2018/605, art. 2(b)

#### Commencement Information

- I1** Sch. 1 para. 1 in force at 31.3.2015 by [S.I. 2015/1025](#), [art. 2\(f\)](#) (with art. 3)

## PART 2

### BYELAWS IN RELATION TO WHICH FIXED PENALTIES MAY BE ISSUED

- 2 Section 12 applies to byelaws made –
- (a) under the enactments listed in the first column of table 2,
  - (b) in relation to the subject matter listed in the second column of table 2,
  - (c) by the type of authority listed in the third column of table 2.

TABLE 2

Enactment under which byelaws are made	Subject-matter of byelaws	Type of authority by whom the byelaws are made
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County council and county borough council
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County council, county borough council and community council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County council and county borough council

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Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County council, county borough council and community council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County council and county borough council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County council and county borough council
Section 18 of the Children and Young Persons Act 1933	Restrictions on employment of children	County council and county borough council
Section 20 of the Children and Young Persons Act 1933	Restrictions on the engagement or employment of children in street trading	County council and county borough council
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County council and county borough council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County council and county borough council
F7	F7	F7
...	...	...
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County council, county borough council and community council
Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc	County council, county borough council and community council
Section 231 of the Public Health Act 1936	Public bathing	County council, county borough council and community council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the management of a local authority	County council, county borough council and community council
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc	County council and county borough council
Section 270 of the Public Health Act 1936	Accommodation of hop-pickers and persons engaged in similar work	County council and county borough council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County council and county borough council

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Section 76 of the Public Health Act 1961	Seaside pleasure boats	County council and county borough council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County council and county borough council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County council and county borough council
Section 35 of the Highways Act 1980	Regulation of walkways	County council and county borough council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County council and county borough council
Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County council and county borough council
Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	County council and county borough council
Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County council, county borough council and community council
Section 31 of the road Traffic Regulation Act 1984	Use of a road as a playground for children	County council and county borough council
Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community council
[ <sup>F8</sup> Section 41 of the Clwyd County Council Act 1985	Leisure centres	County council and county borough council
Section 42 of the Clwyd County Council Act 1985	Temporary structures	County council and county borough council]
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County council and county borough council
[ <sup>F9</sup> Section 53 of the Swansea City Council (Tawe Barrage) Act 1986	Upstream river	County council (Swansea)

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Section 31 of the Mid Glamorgan County Council Act 1987	Porthcawl Harbour	County borough council (Bridgend)
Section 14 of the West Glamorgan Act 1987	Leisure centres	County council and county borough council
Section 36 of the West Glamorgan Act 1987	Policing and control of pedestrian ways	County council and county borough council
Section 41 of the West Glamorgan Act 1987	Temporary structures	County council and county borough council
Section 63 of the West Glamorgan Act 1987	Swansea Market	County council (Swansea)
Section 45 of the Dyfed Act 1987	Temporary structures	County council and county borough council]
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County council (Cardiff)
Section 2 of this Act	Good rule and government [ <sup>F10</sup> and the prevention and suppression of nuisances]	County council and county borough council
[ <sup>F11</sup> Section 117 of the Public Health (Wales) Act 2017]	[ <sup>F11</sup> Regulating the conduct of persons in toilets]	[ <sup>F11</sup> County council, county borough council and community council]

#### Textual Amendments

- F7** Words in Sch. 1 Pt. 2 Table 2 omitted (31.5.2018) by virtue of Public Health (Wales) Act 2017 (anaw 2), s. 126(2), **Sch. 4 para. 3(2)**; S.I. 2018/605, art. 2(b)
- F8** Words in Sch. 1 Pt. 2 Table 2 inserted (19.11.2014) by The Local Government Byelaws (Wales) Act 2012 (Amendment) Order 2014 (No. 3111), arts. 1(2), **3(2)**
- F9** Words in Sch. 1 Pt. 2 Table 2 inserted (19.11.2014) by The Local Government Byelaws (Wales) Act 2012 (Amendment) Order 2014 (No. 3111), arts. 1(2), **3(3)**
- F10** Words in Sch. 1 Pt. 2 Table 2 inserted (19.11.2014) by The Local Government Byelaws (Wales) Act 2012 (Amendment) Order 2014 (No. 3111), arts. 1(2), **3(4)**
- F11** Words in Sch. 1 Pt. 2 Table 2 inserted (31.5.2018) by Public Health (Wales) Act 2017 (anaw 2), s. 126(2), **Sch. 4 para. 3(3)**; S.I. 2018/605, art. 2(b)

#### Commencement Information

- I2** Sch. 1 para. 2 in force at 31.3.2015 by S.I. 2015/1025, **art. 2(k)** (with art. 3)

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**Changes and effects yet to be applied to :**

- Sch. 1 words omitted by [2017 anaw 2 Sch. 3 para. 23\(a\)](#)
- Sch. 1 words omitted by [2017 anaw 2 Sch. 3 para. 23\(a\)](#)
- Sch. 1 words omitted by [2017 anaw 2 Sch. 3 para. 23\(b\)](#)
- Sch. 1 words omitted by [2017 anaw 2 Sch. 3 para. 23\(b\)](#)