



Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

PART IV

STREETS AND PUBLIC PLACES

Parks and open spaces

52 Management of parks and pleasure-grounds.

- (1) Sections seventy-six and seventy-seven of the ^{M1}Public Health Acts Amendment Act 1907 (which give a local authority certain powers as regards their parks and pleasure-grounds), together with Part VI of the ^{M2}Public Health Act 1925 (which extends the said section seventy-six), shall be in force throughout the district of every local authority . . . ^{F1}
- (2) When any part of a park or pleasure-ground is set apart by a local authority under paragraph (b) of subsection (1) of the said section seventy-six for the purpose of cricket, football or any other game or recreation, the local authority may, subject to the restrictions or conditions, if any, prescribed by rules made under that section, permit the exclusive use by any club or other body of persons of—
- (a) any portion of the part set apart as aforesaid, and
 - (b) the whole or any part of any pavilion, convenience, refreshment room or other building provided under that section,
- subject to such charges and conditions as the local authority think fit.
- (3) Subsection (2) of this section shall not empower a local authority to permit at one and the same time the exclusive use of—
- (a) more than one-third of the area of any park or pleasure-ground, or
 - (b) more than one-quarter of the total area of all the parks and pleasure-grounds provided by them or under their management and control,
- and in exercising their powers under paragraph (a) of that subsection, the local authority must satisfy themselves that they have not unfairly restricted the space available to the public for games and recreations.

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(4) Subsections (2) and (3) of this section shall be read as one with the said section seventy-six.

<p>Textual Amendments</p> <p>F1 Words repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. IV</p> <hr/> <p>Modifications etc. (not altering text)</p> <p>C1 S. 52 amended by S.I. 1966/1305, art. 5(1) and Local Government Act 1972 (c. 70), Sch. 14 para. 42</p> <hr/> <p>Marginal Citations</p> <p>M1 1907 c. 53.</p> <p>M2 1925 c. 71.</p>
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53 Closing of parks and pleasure-grounds.

- (1) Subsection (1) of section forty-four of the ^{M3}Public Health Acts Amendment Act 1890 (which empowers a local authority to close their parks and pleasure-grounds or to allow their use for a show or other special purposes), shall be amended as follows.
- (2) That subsection shall be in force throughout the district of every local authority, . . . ^{F2}
- (3) So much of the said subsection as restricts the power of closing parks or pleasure-grounds shall have effect as if for the reference to four consecutive days there were substituted a reference to six consecutive days (excluding Sunday) and in computing any such period of six consecutive days a Saturday and the following Monday shall be regarded as consecutive days.
- (4) The proviso to the said subsection (which prohibits the closing of a park or pleasure ground on a Sunday or public holiday) shall cease to apply to a public holiday, but on any bank holiday, or on Christmas Day or Good Friday, or on a day appointed for public thanksgiving or mourning, a local authority shall not have power under the subsection to close any park or pleasure-ground, or any part thereof, if the area so closed, together with any other area so closed, exceeds one-quarter of the total area of all the parks or pleasure-grounds provided by the local authority.
- (5) ^{F3}

<p>Textual Amendments</p> <p>F2 Words repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. IV</p> <p>F3 S. 53(5) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. IV</p> <hr/> <p>Modifications etc. (not altering text)</p> <p>C2 S. 53 amended by S.I. 1966/1305, art. 5(1) and Local Government Act 1972 (c. 70), Sch. 14 para. 42</p> <hr/> <p>Marginal Citations</p> <p>M3 1890 c. 59.</p>
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54 Boating pools and lakes.

- (1) Subject to the provisions of this section, a local authority or parish council may in any park or pleasure-ground provided by them, or under their management and control, provide a boating pool.
- (2) The local authority or parish council may provide such buildings and execute such work as may be necessary or expedient in connection with the provision of a boating pool under this section, and may also provide boats for the boating pool and such other equipment as may be reasonably required in connection with the use of the boating pool and buildings.

References in this section to a boating pool so provided shall include references to anything else provided under this subsection.

- (3) The local authority or parish council may either—
 - (a) themselves manage a boating pool provided under this section, making such reasonable charges for its use, or for admission, as they think fit, or
 - (b) let it, or any part of it, for such consideration, and on such terms and conditions, as they think fit.
- (4) Where the existence of a boating pool is likely to interfere with any water flowing directly or indirectly out of or into any watercourse which is vested in or [F4 controlled [F5 by the Environment Agency, the Natural Resources Body for Wales or any] internal drainage board], the local authority or parish council shall before providing a boating pool under this section consult [F6 with that Agency, Body or board (as the case may be)].
- (5) No power given by this section shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a park or pleasure-ground has been accepted or made without the consent of the donor, grantor, lessor or other person or persons entitled in law to the benefit of the covenant or condition.
- (6) Subsection (2) of section forty-four of the M4 Public Health Acts Amendment Act 1890 (which gives a local authority certain powers as regards lakes and water in parks and pleasure-grounds)—
 - (a) shall apply in relation to a park or pleasure-ground under the management and control of a local authority as it applies in relation to a park or pleasure-ground provided by them, and
 - (b) shall be in force throughout the district of every local authority;

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.....
- (7) Section two hundred and seventy-eight of the M5 Public Health Act 1936 (under which compensation may be paid for damage incurred in consequence of the exercise by the local authority of their powers under that Act), shall apply as if this section were contained in that Act.
- (8) F8
- (9) Sections three hundred and thirty-one and three hundred and thirty-four of the Public Health Act 1936 (which contain savings for water rights and for the works of land drainage authorities), shall apply as if this section were contained in that Act and as if references in those sections to a local authority included references to a parish council.
- (10) It is hereby declared that this section does not authorise a local authority or parish council to do anything in contravention of [F9 byelaws made by virtue of paragraph 5

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of Schedule 25 to the Water Resources Act 1991 or section 66 of the Land Drainage Act 1991].

Textual Amendments

- F4** Words in s. 54(4) substituted (1.12.1991) by [Water Consolidation \(Consequential provisions\) Act 1991](#) (c. 60, SIF: 130), ss. 2(1), 4(2), **Sch. 1 para. 11(a)**
- F5** Words in s. 54(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), **Sch. 2 para. 27(2)** (with Sch. 7)
- F6** Words in s. 54(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), **Sch. 2 para. 27(3)** (with Sch. 7)
- F7** Words repealed by [Statute Law \(Repeals\) Act 1989](#) (c. 43), s. 1(1), **Sch. 1 Pt. IV**
- F8** S. 54(8) repealed by [Local Government Act 1972](#) (c. 70), **Sch. 30**
- F9** Words in s. 54(10) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF: 130), ss. 2(1), 4(2), **Sch. 1 para. 11(b)**

Modifications etc. (not altering text)

- C3** S. 54 amended by [S.I. 1966/1305](#), **art. 5(1)** and [Local Government Act 1972](#) (c. 70), **Sch. 14 para. 42**

Marginal Citations

- M4** 1890 c. 59.
- M5** 1936 c. 49.

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