



Public Health Act 1961

1961 CHAPTER 64 9 and 10 Eliz 2

PART VI

MISCELLANEOUS

75 Byelaws as to pleasure fairs and roller skating rinks.

- (1) A local authority may make byelaws—
- (a) for regulating the hours during which pleasure fairs and roller skating rinks may be open to the public;
 - (b) for securing safe and adequate means of ingress to, and egress from, any pleasure fair or roller skating rink;
 - (c) for the prevention and suppression of nuisances, and the preservation of sanitary conditions, cleanliness, order and public safety, at any pleasure fair or roller skating rink;
 - [^{F1}(d) without prejudice to the generality of the preceding paragraph, for preventing outbreaks of fire which might endanger—
 - (i) stands, stalls or other structures used or intended for use in connection with any pleasure fair, or
 - (ii) caravans used or intended for use as sleeping accommodation in connection with any pleasure fair,

and for reducing the risk of, and the spread of fire from, such outbreaks.]

and it shall be the duty of the local authority to enforce byelaws made by them under this section.

[^{F2}(1A) No byelaw may be made under this section which applies to a pleasure fair or roller skating rink, in so far as the byelaw relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.]

- (2) In this section—
- (a) “pleasure fair” means any place—

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- (i) which is for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any entertainment to which this section applies, and
 - (ii) for admission to which, or for the use of the contrivances in which, a charge is made;
 - (b) “roller skating rink” means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.
- (3) Subject to the provisions of the next following subsection, the entertainments to which this section applies are the following:—
- (a) circuses;
 - (b) exhibitions of human beings or of performing animals;
 - (c) merry-go-rounds, roundabouts, swings, switchback railways;
 - (d) coco-nut shies, hoop-las, shooting galleries, bowling alleys;
 - (e) dodgems or other mechanical riding or driving contrivances;
 - (f) automatic or other machines intended for entertainment or amusement;
 - (g) anything similar to any of the foregoing.
- (4)^{F3}
- (5) Different byelaws may be made under this section for pleasure fairs and roller skating rinks and for different kinds of pleasure fairs.
- (6) Section two hundred and eighty-seven of the ^{M1}Public Health Act 1936 (which relates to powers of entry), shall have effect as if this section were contained in that Act.
- (7) Section thirty-eight of the ^{M2}Public Health Acts Amendment Act 1890 (under which byelaws may be made for the prevention of danger from roundabouts, swings and shooting galleries), shall cease to have effect, but any byelaws under that section in force at the commencement of this Act shall continue in force and may be revoked at any time as if they had been made under this section.
- ^{F4}(8) The Secretary of State shall be the confirming authority as respects byelaws [^{F5}made by a local authority in England]under this section, and the Secretary of State shall not confirm any byelaws under this section unless he is satisfied that all bodies which appear to him to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies have been consulted on the matters dealt with by the byelaw [^{F6}and, in the case of a byelaw made in pursuance of subsection (1)(d) of this section, that the [^{F4}fire and rescue authority under the Fire and Rescue Services Act 2004] for the area to which the byelaw applies have been so consulted].
- [^{F7}(8A) Subsection (8) does not apply to byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972.]
- [^{F8}(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.

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- (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.
- (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.]

Textual Amendments

- F1** S. 75(1)(d) inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(1\)](#)
- F2** S. 75(1A) inserted (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 6](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\), arts. 1\(1\), 2](#))
- F3** S. 75(4) repealed with saving by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(2\), Sch. 2](#)
- F4** Words in s. 75(8) substituted (7.9.2004 for E. for specified purposes, 1.10.2004 for E. in so far as not already in force, 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 16; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2](#)
- F5** Words in s. 75(8) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\), s. 22\(2\), Sch. 2 para. 6\(2\)\(a\); S.I. 2015/1025, art. 2\(r\) \(with art. 3\)](#)
- F6** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 22\(3\)](#)
- F7** S. 75(8A) inserted (3.3.2016) by [The Byelaws \(Alternative Procedure\) \(England\) Regulations 2016 \(S.I. 2016/165\), reg. 1\(1\), Sch. 2 para. 4\(2\)](#)
- F8** S. 75(9)-(12) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\), s. 22\(2\), Sch. 2 para. 6\(2\)\(b\); S.I. 2015/1025, art. 2\(r\) \(with art. 3\)](#)

Marginal Citations

- M1** 1936 c. 49.
- M2** 1890 c. 59.

Changes to legislation:

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