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## SCHEDULES

### SCHEDULE 14

#### AMENDMENT AND MODIFICATION OF PUBLIC HEALTH ACTS, ETC.

#### PART II

#### OTHER ENACTMENTS

##### *Public Health Acts 1875 to 1925*

23 Subject to the following provisions of this Schedule and the provisions of Schedule 26 to this Act, all the provisions of the Public Health Acts 1875 to 1925 shall extend throughout England and Wales, whether or not they so extended immediately before 1st April 1974.

24 Paragraph 23 above shall not apply to the following enactments, that is to say—

- (a) so much of section 160 of the <sup>M1</sup>Public Health Act 1875 as incorporates the provisions of the <sup>M2</sup>Towns Improvement Clauses Act 1847 with respect to the naming of streets (hereafter in this Schedule referred to as “the original street-naming enactment”);
- (b) section 171(4) of the said Act of 1875;
- <sup>F1</sup>(c) .....
- (d) sections 21, 82, 83 <sup>F2</sup>... of the <sup>M3</sup>Public Health Acts Amendment Act 1907; and
- (e) sections 17 to 19 and 76 of the <sup>M4</sup>Public Health Act 1925;

and those enactments shall, subject to paragraph 25 below, apply to those areas, and only those, to which they applied immediately before 1st April 1974.

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#### Textual Amendments

- F1** Sch. 14 para. 24(c) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [Sch. 7 Pt. I](#)
- F2** Words in Sch. 14 para. 24(d) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 13](#)
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#### Marginal Citations

- M1** 1875 c. 55.  
**M2** 1847 c. 34.  
**M3** 1907 c. 53.  
**M4** 1925 c. 71.

25 (1) Subject to [<sup>F3</sup>sub-paragraph (2)] below, a local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall

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apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).

- (2) A resolution under this paragraph disapplying—
- (a) section 171(4) of the <sup>M5</sup>Public Health Act 1875;
  - <sup>F4</sup>(b) .....
  - (c) section 82, 83 <sup>F5</sup> . . . of the <sup>M6</sup>Public Health Acts Amendment Act 1907; or
  - (d) section 76 of the <sup>M7</sup>Public Health Act 1925;
- must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.
- (3) A resolution under this paragraph applying either of the following provisions, that is to say, section 21 of the said Act of 1907 or section 18 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area and a resolution under this paragraph applying either of the following provisions, that is to say, the original street-naming enactment or section 19 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area.
- (4) <sup>F6</sup> .....
- (5) The notice which is requisite for a resolution given under sub-paragraph (1) above is a notice—
- (a) given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area; and
  - (b) served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.
- (6) The date on which a resolution under this paragraph is to take effect shall—
- (a) <sup>F7</sup> . . . be a date specified therein, being not earlier than one month after the date of the resolution; <sup>F8</sup> . . .
  - (b) <sup>F8</sup> .....
- (7) A copy of a resolution of a local authority under this paragraph, certified in writing to be a true copy by the proper officer of the authority, shall in all legal proceedings be received as evidence of the resolution having been passed by the authority.

#### Textual Amendments

- F3** Words in Sch. 14 para. 25(1) substituted (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(1)(a) (subject to art. 3(2))
- F4** Sch. 14 paras. 25(2)(b), 26(b) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. 1
- F5** Words in Sch. 14 para. 25(2)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13
- F6** Sch. 14 para. 25(4) repealed (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(1)(b) (subject to art. 3(2))

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**F7** Words in Sch. 14 para. 25(6)(a) omitted (30.10.2008) by virtue of The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(c)(i) (subject to art. 3(2))

**F8** Sch. 14 para. 25(6)(b) and preceding word repealed (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(c)(ii) (subject to art. 3(2))

#### Modifications etc. (not altering text)

**C1** Sch. 14 para. 25 applied with modifications by S.I. 1975/1636, art. 7

#### Marginal Citations

**M5** 1875 c. 55.

**M6** 1907 c. 53.

**M7** 1925 c. 71.

- 26 The following enactments shall not extend to Greater London, that is to say—
- (a) sections 160 and 171 of the <sup>M8</sup>Public Health Act 1875;
  - <sup>F9</sup>(b) .....
  - (c) [<sup>F10</sup>section] 80 of the <sup>M9</sup>Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the <sup>M10</sup>Town Police Clauses Act 1847;
  - (d) sections 17 to 19, 75 and 76 of the <sup>M11</sup>Public Health Act 1925.

#### Textual Amendments

**F9** Sch. 14 paras. 25(2)(b), 26(b) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. I

**F10** Word in Sch. 14 para. 26(c) substituted (31.1.2024) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(r), Sch. 5 para. 4 (with s. 247); S.I. 2024/92, reg. 2(p)

#### Marginal Citations

**M8** 1875 c. 55.

**M9** 1907 c. 53.

**M10** 1847 c. 89.

**M11** 1925 c. 71.

- 27 (1) The powers conferred on certain authorities by the enactments to which this paragraph applies shall be exercisable not only by those authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities for the purposes of the Public Health Acts 1875 to 1925, and references in those enactments to an urban authority or a local authority shall be construed accordingly.
- (2) This paragraph applies to the following enactments, that is to say—
- (a) section 164 of the <sup>M12</sup>Public Health Act 1875;
  - (b) section 44 of the <sup>M13</sup>Public Health Acts Amendment Act 1890;
  - (c) Part VI of the <sup>M14</sup>Public Health Acts Amendment Act 1907, as amended by Part VI of the <sup>M15</sup>Public Health Act 1925.

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**Marginal Citations**

- M12** 1875 c. 55.  
**M13** 1890 c. 59.  
**M14** 1907 c. 53.  
**M15** 1925 c. 71.

- 28 A district council [<sup>F11</sup>or, where they are not the highway authority, the council of a Welsh principal area] shall not without the consent of the highway authority—
- (a) provide a clock under section 165 of the <sup>M16</sup>Public Health Act 1875 in a case where it overhangs a highway; or
  - (b) exercise any power under section 40 or 42 of the <sup>M17</sup>Public Health Acts Amendment Act 1890 or section 14 or 75 of the <sup>M18</sup>Public Health Act 1925 in relation to a highway.

**Textual Amendments**

- F11** Words in Sch. 14 para. 28 inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 63** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**Marginal Citations**

- M16** 1875 c. 55.  
**M17** 1890 c. 59.  
**M18** 1925 c. 71.

- 29 A highway authority who are not a local authority within the meaning of the <sup>M19</sup>Public Health Acts 1875 to 1925 may exercise concurrently with the local authority powers conferred on the latter by section 153 of the Public Health Act 1875.

**Marginal Citations**

- M19** 1875 c. 55.

- 30 Any reference in section 161 of the said Act of 1875 to an urban authority shall, in relation to a metropolitan road within the meaning of the <sup>M20</sup>London Government Act 1963, be construed as a reference to the Greater London Council alone.

**Marginal Citations**

- M20** 1963 c. 33.

- 31 A local authority within the meaning of the Public Health Acts 1875 to 1925 may exercise the powers conferred by section 31 of the <sup>M21</sup>Public Health Acts Amendment Act 1907 without being empowered by an order made by the Secretary of State.

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**Marginal Citations**

**M21** 1907 c. 53.

32            So much of section 76 of the said Act of 1907 as enables the Secretary of State to make rules governing the exercise by local authorities of their powers under that section shall cease to have effect.

33            **F12** .....

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**Textual Amendments**

**F12** Sch. 14 para. 21 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)