

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. CVI.

An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts.

[28th *August* 1846.]

WHEREAS it is expedient that Facilities should be given for procuring more complete and trustworthy Information previous to Inquiries before either House of Parliament on Applications in certain Cases for local Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Case where it is intended to make an Application to Parliament for an Act for the Establishment of any Waterworks, or for draining, paving, cleansing, lighting, or otherwise improving any Town, District, or Place, or for making, maintaining, or altering any Burial Ground or Cemetery, or for continuing, altering, or enlarging any of the Powers or Provisions contained in any Act or Acts relating to any of the Purposes aforesaid, a Notice in Writing of such Intention to apply to Parliament in the next ensuing Session for an Act for any of the above Objects shall on or before the last Day of *November*, or in case such Day shall fall

Notice to be given to the Commissioners of Woods, &c. of Intention to apply for an Act of Parliament.

fall on a *Sunday* then on the Day preceding, in each Year, be sent or delivered to the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and such Notice shall be signed by the Promoters of such intended Work, or by some Person duly authorized on their Behalf, and shall be accompanied by a Statement in duplicate of the intended Objects and Provisions of the proposed Act, and with such Plans, Sections, Books of Reference, or other Documents, if any, as are required by the Standing Orders of either House of Parliament to be deposited at any public Office.

Commissioners of Woods, &c. to appoint Officer to make preliminary Inquiry, and to report thereupon to Parliament.

II. And be it enacted, That in any Case where such Notice as aforesaid shall have been given to the said Commissioners it shall be lawful for the said Commissioners, on being satisfied with the Security for Payment of the Expences, as herein-after provided, within One Calendar Month from the Time of their receiving such Notice, to appoint, by Writing under their Hands or the Hands of any Two of them, One or more Person or Persons of competent Skill to be a surveying Officer for that Purpose, who shall proceed to such Town, District, or Place, and make such local Examination and Survey of the District which such proposed Act will effect, and of the Neighbourhood thereof, and such Inquiries relative to the Extent of the Provisions of the proposed Act, and investigate such other Matters relating thereto as the said Commissioners shall order; and after such Examination the said Commissioners shall report thereupon to both Houses of Parliament on or before the First Day of *March* in each Year.

Notice of Inquiry to be given by surveying Officer.

III. And be it enacted, That such surveying Officer shall give Fourteen Days public Notice of the Time and Place when and where he will attend within such Town, District, or Place for the Purpose of making such Examination, by Advertisement in the public Papers usually circulated in the Town, District, or Place, or by affixing such Notice on the public Buildings or Places where public Notices are usually affixed, or in such other Manner as shall appear to him sufficient to make his Appointment generally known in such Town, District, or Place.

Power to summon certain Persons, and to examine upon Oath.

IV. And be it enacted, That such surveying Officer shall be empowered to summon before him the Promoters of such intended Work, or any Person on their Behalf, or any Person or Persons whose Name or Names shall be signed to any Notice of an intended Application to Parliament sent or delivered to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Provisions of this Act, and to require them to produce Copies of all such Surveys, Plans, Sections, Estimates, and other Documents relating to such intended Application as are ordered to be deposited at any public Office in compliance with any Standing Orders of either House of Parliament; and such surveying Officer may require any Overseer or other Person having the Custody of any Map or Survey made in pursuance of the Provisions of any Act of Parliament, or of any Book containing any Rate made for the Relief of the Poor in any Parish, or for any Purpose or Place wholly

wholly or in part within any District over which such Examination shall extend, to produce such Map, Survey, or Book, and to allow the same to be inspected by such surveying Officer; and such surveying Officer shall have Power to administer an Oath to such Overseers or other Persons, and to the Promoters, and to any other Persons examined on their Behalf, and to any Persons who may present themselves before such surveying Officer for Examination by him; and all such Persons so examined shall be required to answer upon Oath all such Questions as may be put to them by such surveying Officer touching any Matter upon which such surveying Officer may deem it necessary to examine such Persons, in pursuance of the Duties imposed upon him under the Authority of this Act; and any such Person, being duly summoned by such surveying Officer, who shall wilfully neglect or refuse to attend such Summons, or to produce such Plans, Sections, Maps, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath such Questions as may be put to him by such surveying Officer under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds.

Penalty may be recovered before Justices.

V. And be it enacted, That such Penalty may be recovered before any Two or more Justices having Jurisdiction within such Town, District, or Place; and on Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under their Hands and Seals; and such Penalty shall be paid to the Overseers of the Parish or Township within which such Conviction shall take place, in aid of the Rate for the Relief of the Poor.

Expences of Inquiry to be paid by the Promoters.

Certificate of surveying Officer.

VI. And be it enacted, That all the Costs, Charges, and Expences attending the said local Examination and Survey, together with such Sums as the said Commissioners shall fix for the Remuneration of the said surveying Officer, shall be paid by the Promoters of the said intended Application, and the Amount of such Expences shall in all Cases be ascertained by the said surveying Officer; and it shall be lawful for the said Commissioners, previous to the Appointment of any such surveying Officer, to make an Examination under the Provisions herein-before contained, to require the said Promoters to deposit any Sum of Money, or to give such other Security for the Payment of the said Costs, Charges, and Expences, as to the said Commissioners shall seem fit; and the Certificate of the said surveying Officer, certifying the Amount of Expences so incurred in such local Examination, shall be taken as Proof in all Proceedings at Law and in Equity of the Amount of the Costs incurred in such Examination: Provided always, that it shall not be lawful for any such surveying Officer to include in such Certificate any Charge for the Attendance of any Persons who may voluntarily present themselves before such surveying Officer for Examination by him under the Provisions herein-before contained.

VII. And

Notices to be given to the Admiralty where Applications relate to Ports or navigable Rivers.

VII. And be it enacted, That where it is intended to make Application to Parliament for an Act relating to any Port or Harbour, or to any Tidal Water, or to any navigable River, or in any Manner directly or indirectly affecting the same, Notice thereof shall be given to the Lord High Admiral or to the Lords Commissioners for executing the Office of Lord High Admiral in the Manner herein-before directed for giving Notice of the Intention to make Application to Parliament for the other Acts above specified to the Office of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in all respects whatsoever the Lord High Admiral or the said Lords Commissioners shall make a similar Inquiry and Report, and shall perform all the same Duties, and have all the same Powers, with respect to the Inquiry into such intended Acts whereof Notice is to be given to him or them, as is herein-before enacted in regard to the Office of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings with respect to the Acts whereof Notice is to be given to such Office, as amply, to all Intents and Purposes, as if all the Provisions herein-before enacted in regard to the Proceedings of such Office with respect to such Acts had been repeated Word for Word in regard to the Lord High Admiral or Lords Commissioners aforesaid, and to the Acts whereof Notice is required to be given to him or them.

Interpretation of Act.

VIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there is something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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