

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XCIII.

An Act to amend the Metropolitan Sewers Act.

[1st *August* 1849.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate and continue in force for Two Years, and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers:* And whereas it is expedient to extend and amend the Provisions of the said Act: Be it 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 citing for any Purposes, in other Acts of Parliament and in legal Instruments, the said Act or this Act it shall be sufficient to use the Expression, as to the said Act, "The "Metropolitan Sewers Act, 1848," and as to this Act "The Metro-"politan Sewers Amendment Act, 1849." 11 & 12 Vict. c. 112. Short Titles.

II. And be it enacted, That if a Commission be issued under the said Act for Limits including Part only of the District within the Limits of any Commission of Sewers now in force, not being within the City of *London* or the Liberties thereof, the Authority of the Commissioners under such last-mentioned Commission of Sewers shall, as to all Parts and Places included within the Limits of the Commission Provision for Cases where Parts within existing Commissions are included in Metropolitan Commission.

Commission issued under the said Act, cease and determine, but, as to the Residue of the Parts and Places within the Limits of such other Commission of Sewers, shall continue as if such Residue only had been originally within the Limits thereof; and it shall be lawful for the Lord Chancellor, when he shall think fit to direct the Issue of such Commission as aforesaid under this Act, to appoint any fit Person or Persons to ascertain the Debts and Liabilities of such other Commission, and to apportion, as between the Metropolitan Commissioners of Sewers and the Commissioners under such other Commission, the Liabilities subsisting under such other Commission, in such Manner as may appear just; and such Portion of the Debts and Liabilities as the Person or Persons so appointed may think just, and the Expenses of such Apportionment, shall be paid or provided for by the Metropolitan Commissioners of Sewers, and may be levied by Rates to be made on such of the Parts and Places within the Limits of their Commission as were previously within the Limits of such other Commission of Sewers, or by Monies borrowed, or otherwise, as they may think fit.

Commissioners may agree to undertake Works of Paving.

III. And be it enacted, That the said Commissioners may agree with any Paving Board or Authorities in Matters of Paving for the undertaking the paving of any District or Place on such Terms as may be agreed on where the Commissioners and such Board or Authorities deem that Sewerage Works and the Convenience and Health of the Public would be promoted thereby.

Commissioners may make Compensation in Cases of accidental Damage.

IV. And be it enacted, That in all Cases where, either from Accident or Failure of Works under the Control of the Commissioners, Damage or Loss is occasioned to any Person, the Commissioners may, where they think fit, make such reasonable Compensation as to the Commissioners seems just for such Damage and Loss, although such Compensation may not be recoverable at Law against the Commissioners.

Works of cleansing may be performed in the Daytime under Precautions.

V. And whereas Doubts have been raised as to the Power of the Commissioners to order certain Works of cleansing to be done except at Night: Be it declared and enacted, That, notwithstanding the Provisions of any Act concerning the Police of the Metropolis or other Acts to the contrary, the said Commissioners may order or authorize their Officers, Workmen, or Contractors to carry on all Operations of cleansing Privies, Cesspools, and Places of the like Character within the Limits of the said Act, and to remove all Filth, Soil, and Matter, and to carry on all Works connected therewith, in the Daytime, the Commissioners taking all proper Care to prevent, as far as possible, Nuisance, Annoyance, or Delay; and any Contractor

tractor or Person employed by the Commissioners who omits to take all such reasonable Precautions as the Case admits of for the preventing Nuisance, Annoyance, or Delay in such Operations shall be liable to a Penalty of Five Pounds for every such Offence, and the like Penalty for every Day after the first during which the same Offence is continued.

Penalty for not delivering Copies of Rates to Commissioners when required.

VI. And be it enacted, That when the Commissioners require a Copy or Extract of a Poor Rate Book from any Vestry Clerk or other Person, the same shall be delivered within such Time, not less than Seven Days, as the Commissioners require, and in default they may impose on such Vestry Clerk or other Person a Penalty of Twenty Pounds, and a Penalty of Five Pounds for every Day during which such Vestry Clerk or other Person delays to supply such Copy.

Rates may be partly prospective and partly retrospective.

VII. And whereas Doubts have been raised whether Rates under the said Act must not be made either wholly prospectively or wholly retrospectively: Be it therefore declared and enacted, That such Rates may, in respect of any Expenses whatever, be made partly prospectively and partly retrospectively.

District and special Sewers Rates.

VIII. And be it enacted, That the District Sewers Rate and any other Sewers Rate may be made in respect of a Period shorter or longer than for One Year, and the Commissioners shall not be compelled or compellable in any Case to make a special Sewers Rate.

Contributions towards building Sewers.

IX. And be it enacted, That the Commissioners may accept and order Payment by such Instalments as they think fit of Contribution towards the building of Sewers into which Parties are required to drain; and whenever the Commissioners, in pursuance of the recited Act, order the Owner or Occupier of a House to construct a covered Drain from such House to a Sewer made within Thirty-five Years before the passing of that Act, they may (unless any Owner or Occupier of such House have previously contributed in respect of such House towards the Expense of the original Construction of such Sewer,) order the Owner or Occupier of such House to contribute and pay to the Commissioners, or to such Person as they think fit, such Sum as the Commissioners think just towards such Expense, notwithstanding there be a Drain made (either with or without the Permission of the Commissioners) from such House communicating with such Sewer, unless such existing Drain be in the Judgment of the Commissioners sufficient for the proper Drainage of such House; and after any such Sum is ordered to be paid, the same may be recovered as a Debt due to the Commissioners or other Persons to whom the same is ordered to be paid from the Party ordered to pay, or if the

the same is ordered to be paid to the Commissioners the Amount may be recovered by Distress and Sale of the Goods and Chattels of the Person liable to pay the same.

Amount of Improvement Rate may include Expenses of making and recovering Rate.

X. And be it enacted, That the Amount of any Improvement Rate which the Commissioners may levy may, if they think fit, be such Amount as in their Judgment will be sufficient to discharge, not only the Expenses in respect of which the Rate is levied, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, but also such a Sum as will meet the Expenses, or what is, in the Judgment of the Commissioners, a due Proportion of the Expenses, incurred and to be incurred in and about the making and recovering of such Rate.

For Recovery of Improvement Rates in certain Cases.

XI. And be it enacted, That whenever any Premises in respect of which any Expenses authorized to be paid by an Improvement Rate have been incurred are wholly or partly destroyed, pulled down, or suffered to fall into Decay, or are unoccupied for more than Twelve successive Months, or are subdivided, or have their Boundaries altered, and whenever, for any other Cause, it appears to the Commissioners that the Recovery of such Expenses by an Improvement Rate may be impracticable, or practicable only at an undue Cost, or with undue Difficulty or Delay, then and in any such Case the Commissioners may at any Time, if they think fit, by their Order or Decree direct that such Expenses, or such Part thereof as (after applying towards the Discharge of such Expenses, with Interest, the Rate or Rates, if any previously levied,) remain unpaid, shall be paid as Charges for Default; and the Commissioners may also at any Time, if they think fit, by their Order or Decree charge the unpaid Amount of such Expenses, with Interest, upon the Site of such Premises, and order that such unpaid Expenses and Interest shall be paid by the Owner for the Time being of such Site; and in such Case such unpaid Expenses and Interest shall be paid by such Owner, and shall be recoverable in like Manner as by the recited Act provided with respect to the Payment and Recovery of the Costs, Charges, and Expenses of and incidental to the making and putting in force of any Order or Decree of any Court of Sewers touching any Matter or Thing within the Jurisdiction of the Commissioners.

Rate may be recovered by Action.

XII. Provided always, and be it enacted, That the Commissioners, if they think it expedient so to do, may bring in the Name of their Clerk any Action of Debt or special Action on the Case in any of the Superior Courts for any Rate exceeding Twenty Pounds, in which Action it shall be sufficient to declare that the Defendant is indebted

to

to the Commissioners in such Sum of Money as the Commissioners suppose to be due; and if they recover such Sum, or any Part thereof, they shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered.

Several Names may be included in One Warrant.

XIII. And be it enacted, That the Commissioners may include any Number of Names and Sums in any Warrant of Distress.

Commissioners may prepare Forms of Notices, &c.

XIV. And be it enacted, That the Commissioners may, if they think fit, from Time to Time prepare such Forms of any Notices, Presentments, Rates, Warrants, Precepts, Summonses, and other Process and Proceedings for any of the Purposes of the Commission, as they think most convenient, and alter and revoke such Forms; and every such Form, sanctioned by the Order or Decree of a special Court, may, and when so directed by such Order or Decree shall, until the same is altered or revoked by the Order or Decree of a subsequent special Court, be used for the Purposes indicated by the Order or Decree sanctioning the same, and shall, according to the Terms of such Order or Decree, be as valid and effectual to all Intents and Purposes as if such Form were by this Act enacted and authorized or directed to be used accordingly.

Clerk to be Secretary.

XV. And be it enacted, That after the passing of this Act the Chief Clerk to the Commissioners shall be called the Secretary, and the Word "Clerk" in the recited Act and this Act and in any other Act relating to the Commissioners and in any Commission issued under the recited Act respectively shall include "Secretary."

"Surveyor" to include "Engineer"

XVI. And be it enacted, That after the passing of this Act the Word "Surveyor" in the recited Act and this Act and in any other Act relating to the Commissioners and in any Commission issued under the recited Act respectively shall include "Engineer;" and the Commissioners may from Time to Time, if they think fit, by their Order direct which, if any, of their Officers shall be called Engineers, and which, if any, of their Officers shall be called Surveyors.

Mortgages and Annuities.

XVII. And be it enacted, That the Commissioners may borrow Money to pay off any Debt not actually due, or for redeeming Annuities, or otherwise, as they may deem beneficial; and the Commissioners may, for the Purpose of raising Money, instead of making Mortgages under the said Act, grant Annuities for Lives or Years, to be paid out of the Rates, as they think fit; and, notwithstanding any Act shall not pass for the Renewal of the said Act, any Mortgage or Annuity granted or Liability contracted by the Commissioners shall after the Expiration of the said Act be valid and in full Force;

and the Justices of the several Counties of *Middlesex*, *Surrey*, *Kent*, and *Essex*, in Quarter Sessions assembled, shall, as to the Parts within the Limits of the Commissions subject to their respective Jurisdictions, make such Rate for the Payment of the Monies from Time to Time due on such Mortgages and Annuities and Liabilities as the Commissioners might make if the Commission under the said Act had continued in full Force.

Act of 1848 and this Act to be One Act.

XVIII. And be it enacted, That the Metropolitan Sewers Act, 1848, as amended by this Act, and this Act, shall be One Act, and shall be put in execution accordingly.

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