CHAPTER cxcv.

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An Act to authorise the construction of new sewers and to make better provision in relation to the health local government and improvement of the borough of Ashton-under-Lyne and for other purposes.

[24th August 1893.]

WHEREAS the borough of Ashton-under-Lyne in the county palatine of Lancaster is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called the Corporation) and the Corporation acting by the council are the urban sanitary authority for the district of the borough:

And whereas the unrepealed provisions of the following local Acts (besides several Orders confirmed by Parliament) are in force within or relate to the borough (that is to say):—

The Ashton-under-Lyne Improvement Act 1849;
The Ashton-under-Lyne Improvement Act 1877;
The Ashton-under-Lyne Improvement Act 1886:

And each of the said Acts is in this Act referred to as the Act of the year in which it was passed and the several Acts are collectively referred to as the recited Acts:

And whereas the sewerage and drainage of the borough are in many respects insufficient and defective and it is expedient that the Corporation should be empowered to make the new sewers by this Act authorised:

And whereas the general use of privies pail closets and other like conveniences within the borough is believed to be injurious or dangerous to health and it is expedient that the Corporation should be empowered to convert such conveniences into other form of closet accommodation and to provide for the removal and carrying away of human excreta household slops refuse and sewage on the water carriage system:

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And whereas it is expedient to make better provision in regard to the health of the borough the improvement and regulation of streets buildings recreation grounds markets and other matters concerning the local government and improvement of the borough:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purchase of land for the execution of works by this Act authorised and for the purposes herein-after mentioned and those estimates are as follows:—

	£
For sewerage and sanitary purposes - -	40,000
For the conversion of the existing closet accommodation into slop water-closets or other like accommodation - -	35,000

And the same are permanent works within the meaning of section 234 of the Public Health Act 1875 and it is expedient that the Corporation should be authorised to borrow money for those purposes:

And whereas an absolute majority of the whole number of the members of the council at a meeting held on the ninth day of November one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Ashton-under-Lyne Reporter a local paper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough:

And whereas such resolution was published twice in the said Ashton-under-Lyne Reporter and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the council at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the borough by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerks of the peace for the counties of Lancaster and Chester respectively and are in this Act respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and 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 as follows (that is to say):—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Ashton-under-Lyne Corporation Act 1893 and the Acts of 1849 1877 1886 and this Act may be cited together as the Ashton-under-Lyne Improvement Acts 1849 to 1893.

Division of Act into parts.

2. This Act is divided into the following parts:—

Part I.—Preliminary.
Part II.—Sewage Provisions.
Part III.—Sanitary Provisions.
Part IV.—Streets and Buildings.
Part V.—Recreation Grounds.
Part VI.—Market Provisions.
Part VII.—Borrowing Powers.
Part VIII.—Miscellaneous Provisions.

Lands Clauses Acts incorporated.

3. The Lands Clauses Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act.

Interpretation of terms.

4. The several words and expressions to which by the Acts incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

"The borough" means the municipal borough of Ashton-under-Lyne;

"The council" "the town clerk" "the surveyor" and "the medical officer of health" respectively mean the council the town clerk the surveyor and the medical officer of health of the borough;

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"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith;

"Water-closet" means a closet accommodation on the water carriage system flushed by means of fresh water supply;

"Slop water-closet" means a closet accommodation on the water carriage system flushed with slops or refuse liquids of the household or rain water;

"Trough closet" means a closet accommodation on the water carriage system suitable to the use of the occupiers of two or more dwelling-houses or to the use of a large number of persons and flushed with slops liquid refuse rain-water or fresh water;

"The improvement rate" means the improvement rate leviable by the Corporation under and in accordance with the sections of which the marginal notes respectively are "Power to council to levy improvement rates" and "Rating of railways and canals" of the Act of 1849 as extended by the Act of 1886 and by this Act;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction therefor:

The words "owner" "rackrent" and "infectious disease" have respectively the same meaning as in the Act of 1886:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Execution by Corporation.

5. This Act shall be carried into execution by the Corporation with all the powers privileges duties obligations and indemnities of the Corporation as a municipal authority and as an urban sanitary authority respectively And this Act shall except where otherwise expressed or implied apply only within the borough.

PART II.—SEWAGE PROVISIONS.

Power to make sewers.

6. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the sewers herein-after described with all necessary or proper storm overflows outfalls junctions syphons culverts manholes shafts works and conveniences in connexion therewith and they may divert and take the streams known as the Jeremy Brook Shaw Brook and Hurst Brook and all waters and sewage that can be diverted or taken by the intercepting sewer

by this Act authorised and they may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act The sewers herein-before referred to and authorised by this Act are—

(1) A sewer (in this Act called the intercepting sewer) commencing in the township of Ashton-under-Lyne in Whitelands Road and terminating at or near the borough boundary on the right bank of the River Tame;

(2) A sewer (No. 1) commencing in Corkland Street and terminating by a junction with the intercepting sewer in Whitelands Road;

(3) A sewer (No. 2) commencing in Algernon Street and terminating by a junction with the intercepting sewer in Whitelands Road;

(4) A sewer (No. 3) commencing in Conduit Street and terminating by a junction with the intercepting sewer in Lower Wharf Street;

(5) A sewer (No. 4) commencing in Cavendish Street and terminating by a junction with the intercepting sewer at the intersection of Cavendish Street and Hill Street;

(6) A sewer (No. 5) commencing in the footpath leading from Bridge Street in Audenshaw to Pottinger Street and terminating by a junction with the intercepting sewer:

Provided always that nothing in this Act shall empower the Corporation to construct the works by this Act authorised otherwise than in accordance with the requirements of any joint sewerage scheme if such shall be sanctioned in the next session of Parliament and until the end of that session they shall not commence the construction of the said works.

For the protection of the Shepley Mills.

7. The Corporation shall either return into the River Tame above the point at which the mill race or goit belonging or reputed to belong to the Shepley Mills Linoleum Company Limited leaves the said river a quantity of water equal to the amount of the streams and water that the Corporation shall divert or take under the powers conferred upon them by this Act or at their option the Corporation shall make full compensation (regard being had to the quantity of water (if any) returned to the river above the said point) to the owners of the Shepley Mills for any injury they may sustain including any additional expenses they may be put to by or in consequence of such diversion and taking Any question as to the quantity of water to be discharged into the River Tame or any

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dispute as to the fact of injury or amount of compensation shall be settled in manner provided by the Lands Clauses Acts:

Provided that in the event of the formation of a joint drainage board for any district including the borough the expenses incurred and compensation paid or payable by the Corporation under this section shall be deemed expenses of such joint board and shall be ultimately payable by that board.

Correction of errors omissions &c.

8. If any omission or mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Corporation may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the county where such lands are situate and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Power to deviate.

9. In constructing the sewers and works by this Act authorised and subject to the provisions of this Act the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where the line of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked thereon the Corporation may in making any such work deviate laterally to any extent within the boundaries of such road and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards or to such further extent as the Local Government Board may decide to be necessary in order to make such works subsidiary to a joint scheme but not so as in any case to bring any part of any sewer above the surface of the ground except where so shown on the section.

Power to acquire easements only.

10. The Corporation may in lieu of acquiring any lands for the purpose of any sewer by this Act authorised acquire such ease-

ments and rights in such lands as they may require for the purpose of making and maintaining the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts:

Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be indorsed with notice of this proviso:

Provided that as regards any lands taken or used by the Corporation for the purpose of making such sewer the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation except that no building shall be erected over any sewer.

Lands for dry ashes depôt.

11. Subject to the provisions of this Act the Corporation may enter upon take use and appropriate for the purpose of extending and improving their existing dry ashes depôt the lands herein-after described and delineated on the deposited plans and described in the deposited book of reference (that is to say):—

A piece of land situate on the northerly side of Dark Lane near Gamber Hill Bank in the Hartshead division of the parish of Ashton-under-Lyne in the county of Lancaster together with the two houses erected thereon respectively called the Hollow and Handforth Cottage:

And the Corporation may cover over or culvert the brook or stream flowing through the adjoining lands belonging to or in the occupation of the Corporation situate within the boundaries of those lands.

Time for completion of works.

12. The works by this Act authorised shall be completed within four years from the passing of this Act and on the expiration of that period the powers by this Act granted for the making thereof

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or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

For the protection of the Manchester Sheffield and Lincolnshire Railway Company.

13. The following provisions for the protection of the Manchester Sheffield and Lincolnshire Railway Company (herein-after called the Sheffield Company) shall (unless otherwise agreed on in writing between the Sheffield Company and the Corporation) apply to and be obligatory upon the Corporation :—

(1) The Corporation in constructing the sewers and works by this Act authorised so far as the same affect the railways canals lands and works of the Sheffield Company shall carry out the same according to plans and sections to be reasonably approved by and to be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Sheffield Company and in all things at the expense of the Corporation Provided always that if the principal engineer shall for the period of two months neglect or refuse to approve such plans sections or specifications or shall disapprove the same then the said works shall be constructed according to plans sections and specifications to be submitted to and approved by an engineer to be agreed upon or in default of agreement to be appointed by the Board of Trade at the request of either the Sheffield Company or the Corporation ;

(2) Whenever the Corporation shall commence any of the works by this Act authorised so far as the same affect the railways canal lands and works of the Sheffield Company the Corporation shall proceed with and complete the same with all due despatch ;

(3) During the construction of the sewers and works by this Act authorised under the railways and canal of the Sheffield Company the Corporation will bear and on demand pay to the Sheffield Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railways and canal with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the Corporation or from the acts or defaults of the contractors or of any person or persons in their employment or otherwise ;

(4) The Corporation shall at all times maintain the sewers and works by this Act authorised so far as the same affect the railways and canal of the Sheffield Company in substantial

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repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Sheffield Company and if and whenever the Corporation fail to do so the Sheffield Company may make or do in and upon as well the lands of the Corporation as their own lands such repairs and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the Sheffield Company by the Corporation and in default of payment may be recovered by them from the Corporation with full costs in any court of competent jurisdiction;

(5) The Corporation and their contractors agents servants or workmen shall not in constructing or repairing the sewers and works by this Act authorised obstruct impede or interfere with the free and uninterrupted and safe use of the railways canal or other works of the Sheffield Company or any traffic thereon or so as to cause any leakage or waste of water in the said canal and if any such obstruction or interference leakage or waste of water shall be caused or take place contrary to this enactment the Corporation shall pay to the Sheffield Company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption leakage or waste of water such costs expenses and compensation to be recoverable with full costs by that company in any court of competent jurisdiction;

(6) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the Sheffield Company all costs losses damages and expenses which may be occasioned to that company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the said sewers and the works in connexion therewith or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors or others and the Corporation shall effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission;

(7) The Corporation shall not in any case without the previous consent in writing under the common seal of the Sheffield Company take use enter upon or interfere with the railways works lands or property at any time belonging to or in the possession or under the power of the Sheffield Company except only such part or parts thereof respectively as it shall be

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necessary for the Corporation to take use enter upon or interfere with for making and maintaining the sewers and other works by this Act authorised to be carried under or across the railways and canal of the Sheffield Company;

(8) With respect to the railways canal works lands or property of the Sheffield Company which the Corporation are by this Act authorised to take use enter upon or interfere with the Corporation shall not purchase and take the same but they may purchase and take and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Corporation might purchase and take the same;

(9) If any question or difference shall at any time arise between the Corporation and the Sheffield Company touching any plans prepared by the company for the construction of any of the works herein-before provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the Corporation and the Sheffield Company or failing agreement by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive.

For the protection of the London and North Western Railway Company.

14. The following provisions for the protection of the London and North Western Railway Company (in this section referred to as the North Western Company) shall have full force and be binding on the Corporation :—

(1) The intercepting sewer by this Act authorised shall be carried under the Denton and Dukinfield Railway of the North Western Company and over the lands and property of that company lying between the said railway and the River Tame and also along so much of Whitelands Road as is co-extensive with the lands and property of the Huddersfield Canal belonging to the North Western Company fronting Whitelands Road and the Sewer No. 1 shall be carried under the said Stalybridge Junction Railway and under the railways and property jointly belonging to the North Western Company and the Manchester Sheffield and Lincolnshire Railway Company and the Sewer No. 2 shall be carried under the said Huddersfield Canal and the property of the North Western Company adjoining the same by mains pipes or brick culverts which for the entire length of such crossings under and over the said railways canal lands and property and for twenty-five feet on each side thereof shall be constructed including all works necessary or incidental thereto

according to plans sections and specifications to be previously reasonably approved in writing by Francis Stevenson or other the principal engineer for the time being of the North Western Company and so that the said intercepting sewer when the same will be constructed along and under the said portion of Whitelands Road shall be constructed along and under the centre of the said road and the works for carrying the said intercepting sewer over the lands and property of the North Western Company lying between that company's Denton and Dukinfield Railway and the River Tame shall be constructed in such manner and of such strength as to be convenient and sufficient for the construction and laying down thereover by the North Western Company of such lines of rails sidings buildings and other works as they may deem expedient;

(2) With respect to such crossings and distance as above mentioned the Corporation shall not without the consent in writing of such engineer deviate the said intercepting sewer and Sewers Nos. 1 and 2 vertically from the levels thereof as shown on the deposited sections to a greater extent than three feet and the said intercepting sewer and Sewers Nos. 1 and 2 and all such works at such crossings and all maintenance repairs and renewals thereof shall be done and executed by the Corporation to the reasonable satisfaction in all respects and under the superintendence of such engineer and at such times as he shall approve and in all things at the expense of the Corporation and whenever any such works maintenance repairs or renewals are constructed they shall be so constructed executed and maintained that the said railways and canal or any of the works thereof respectively shall not be injured nor the traffic upon the said railways and canal in any way impeded;

(3) If by reason of any works or proceedings of the Corporation or of their contractors or of their workmen or of the failure leakage or bursting of any works sewers mains or pipes of the Corporation the said railways or canal or any of the works thereof shall be injured or damaged or any water shall leak escape or run to waste from the said canal such injury or damage shall be forthwith made good by the Corporation at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the North Western Company may make good the same and recover the reasonable expense thereof from the Corporation with full costs by all and the same means as any simple contract debt is recoverable and the Corporation shall also make good

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and repay to the North Western Company any loss damage or expense which they may sustain or be put to by reason of the construction or failure of any of the said sewers mains pipes or works;

(4) The Corporation shall not without the consent in writing of the North Western Company under their common seal purchase take enter upon or use temporarily or permanently any lands property or works of or belonging to the North Western Company solely or jointly or any estate right easement privilege or authority in over or upon the same respectively or alter vary or interfere with the said railways and canal or any of the respective works thereof or thereto appertaining except that the Corporation may purchase and the North Western Company may and shall sell and grant to the Corporation such easements as may be necessary for carrying the said intercepting sewer under the said Denton and Dukinfield Railway and the property of the North Western Company adjoining same and for carrying Sewer No. 1 under the said Stalybridge Junction Railway and under the railways and property jointly belonging to the North Western Company and the Manchester Sheffield and Lincolnshire Railway Company and also for carrying Sewer No. 2 under the said Huddersfield Canal according to the provisions hereinbefore prescribed and for repairing maintaining inspecting and renewing the same and the works thereof at such crossings The amount to be paid for the acquisition of such easements shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement;

(5) The Corporation and the North Western Company may from time to time by agreement vary or alter the provisions of this enactment.

For the protection of the Lancashire and Yorkshire Railway Company.

15. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as the railway company) shall unless otherwise agreed between the railway company and the Corporation have full force and effect and be binding upon the Corporation:—

(1) In constructing or laying the Sewer No. 1. under the Ashton Branch Railway of the railway company and for a distance of twenty-five feet on each side thereof as also in effecting the maintenance repairs and renewals of such sewer the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans to be submitted to and approved by

him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to such railway or interruption to the passage or conduct of the traffic over such railway and if any such injury shall arise to such railway or interruption to such traffic the Corporation shall make full compensation to the railway company in respect of such injury or interruption the amount of such compensation to be recoverable from the Corporation by the railway company together with full costs by all and the same means as any simple contract debt is recoverable;

(2) The Corporation shall not without the consent in writing of such engineer (which consent shall not be unreasonably withheld) deviate the said line of sewer vertically or laterally from the lines thereof as shown on the deposited plans and sections;

(3) The Corporation shall not (except with the previous consent of the railway company under their common seal) purchase or acquire any lands or property of the railway company but the Corporation may purchase and take and the railway company shall sell and grant accordingly an easement or right of using so much of the lands of the railway company as may be necessary for constructing maintaining repairing and renewing the Sewer No. 1 under the lands and property of the railway company.

Restriction on taking houses of labouring class.

16. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to grant easements.

17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation

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any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Period for compulsory purchase of lands.

18. The powers of the Corporation for compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Proceeds of sale of surplus lands to be treated as capital.

19. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation for sewage purposes but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

As to closet accommodation.

20.—(1) After the expiration of three years from the passing of this Act or such further time as may be sanctioned by the Local Government Board all closet accommodation shall (unless otherwise sanctioned by the Corporation) be so constructed supplied with water and connected with the sewers of the Corporation as to effectually remove all human excreta by water carriage any enactment in any local or general Act to the contrary not withstanding Provided that this section shall not apply to any closet accommodation existing at the passing of this Act unless altered by the Corporation under the provisions of this section.

(2) It shall be lawful for the Corporation at their own expense to convert any existing closet accommodation (other than a water-closet) into a slop water-closet trough closet or water-closet and the Corporation their surveyor contractors and workmen may at all reasonable times after fourteen days notice in writing has been given to the occupier or left on the premises to which any such closet accommodation is attached enter such premises and execute and do all works and things necessary for that purpose including the fitting up of such pipes sinks and apparatus the laying down of such drains and the making of such junctions and communications with sewers and drains as may in the opinion of the surveyor be necessary or proper for the effectual removal of human excreta by water carriage.

(3) The Corporation may from time to time make byelaws with respect to and may by means of such byelaws prescribe the form size material position and level of all slop water-closets trough closets and water-closets and the apparatus for and the manner of flushing the same.

(4) No such closet shall be erected or attached to any house or building after the passing of this Act except in accordance with the prescribed requirements.

(5) A slop water-closet shall not be deemed to be a water-closet within the meaning of the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Act 1870 or of any other Act incorporated therewith if and while clean water supplied by the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee is not used therein.

(6) Any person offending against the provisions of sub-sections (1) (2) and (4) of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

For the protection of the joint water committee.

21. Nothing in this Act shall authorise any interference with or alteration of any pipes sinks apparatus or water-closet otherwise than subject to and in accordance with the byelaws and regulations of the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee nor shall anything in this section prejudice or affect any of the rights and powers of the said joint committee Provided that the byelaws and regulations of the said joint committee shall not apply to slop water-closets or trough closets as defined by this Act except where clean water of the joint committee shall be used in such closets.

PART III.—SANITARY PROVISIONS.

Medical officer may require dairymen to furnish list of sources of their supply of milk.

22. If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which he derives his supply of milk or from which he has derived his supply during the last six weeks and every such person failing to comply with such request shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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Infected person not to carry on business &c.

23. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

Business not to be carried on in infected premises.

24.—(1) Where an inmate of a house shop workshop room or place is suffering from any infectious disease or where there is danger of infection in any house shop workshop room or place caused by any person so suffering who has ceased to be an inmate thereof the Corporation may issue an order that forthwith and until such order shall have been determined by another order certifying such house shop workshop room or place to be free from infection the following regulations shall in respect of such house shop workshop room or place be observed:—

(a) No person shall in any such house shop workshop room or place exercise any in-door occupation which necessitates the handling of any food clothing or article likely to communicate any infectious disease or to retain infection and intended for sale or for the use of persons belonging to another family;

(b) No article of food intended for sale or for the use of persons belonging to another family shall be removed from such house shop workshop room or place and no bedding clothing or other articles liable to communicate any infectious disease or to retain infection shall be removed from such house shop workshop room or place without previous disinfection or without proper precautions (to the satisfaction of the medical officer of health) for the purpose of being disinfected or destroyed.

(2) The Corporation shall make compensation to any person who shall have complied with the provisions of this section and who has thereby sustained loss but such compensation shall be in regard only of direct material and pecuniary loss and not in respect of any consequential loss or damage.

(3) Any person who shall disobey or obstruct the execution of any order made by the Corporation under the foregoing provisions or who shall wilfully offend against any of the foregoing provisions shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Corporation may pay expenses of

25. Where a person not being a pauper is received as a patient into any hospital for infectious diseases belonging to or managed

by the Corporation the Corporation may if they think fit themselves pay the expenses arising out of the reception and maintenance of such person.

person in hospital.

26. A payment made to any medical practitioner in pursuance of the Act of 1886 shall not disqualify that practitioner for serving as a member of the council of the borough or in any municipal office.

Medical practitioner not disqualified by receipt of fees.

27. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1892 or of any Act amending the same or of any order license or act of the Board of Agriculture made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or exempt the markets and fairs to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

Saving for Acts relating to animals &c.

28. Public notice of the provisions of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published and circulating in the borough and by a notice affixed outside the town hall of the borough.

Public notice to be given of provisions of this part of Act.

PART IV.—STREETS AND BUILDINGS.

29.—(1) Where any street in the borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

Corporation may define future line of streets.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line as aforesaid and the

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centre of the street and the same when purchased shall vest in the Corporation as part of the street.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all loss damage or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

For preventing soil and sand from being washed into streets.

30. The owners or occupiers of all lands abutting upon any public street and the owners and occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gulley in such quantities as will obstruct the highway or choke up such sewer or gulley and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For the purpose of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable.

Charge for emptying privies of rubbish.

31. If any trade refuse or any building or other materials or rubbish of a like description be deposited in any privy cesspool ash-pit or ash-tub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises upon which such privy cesspool ash-pit or ash-tub is situate or placed.

Exemption of Government property from building regulations.

32. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the

hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

PART V.—RECREATION GROUNDS.

Power to set apart lands for games.

33. The Corporation may from time to time set apart portions of any park or place of public resort or recreation for the time being belonging to or held by them for cricket football archery and other games and for the drill of volunteers yeomanry or cadets or any military or police force but so that the same shall be open to the public when not in use for such games or drill and the Corporation may make byelaws for regulating the use of the portions of the park or place so set apart.

Power to provide apparatus for games.

34. The Corporation may provide apparatus for games and recreation for the use of the public frequenting the parks and pleasure grounds belonging to or under the management of the Corporation and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus on such terms and conditions as they think proper.

This part of Act to apply to Stamford Park.

35. The provisions of this part of this Act shall extend and apply to Stamford Park described or referred to in the Act of 1886 and to the joint committee appointed under the provisions of that Act for the management and regulation of Stamford Park and the expenses of the joint committee in the execution of this part of this Act shall be deemed to be expenses incurred by them under the Act of 1886.

PART VI.—MARKET PROVISIONS.

Corporation may sell animals &c. left in market.

36. Every animal or article brought into any market of the Corporation and left therein after the hour of closing the same (except such as may be left in charge of the market keeper) may be taken possession of by the market keeper and if the same being of a perishable nature be not claimed within two hours after the closing of the market or not being of a perishable nature be not claimed within seven days thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale after deducting any unpaid tolls and charges due in respect thereof and the expenses of detention and sale to the owner on demand if such demand be made within one month after

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the sale but if it be not so made the proceeds of the sale shall be forfeited to the Corporation.

Market keeper may remove animals suspected of tuberculosis.

37. The market keeper may remove and exclude from the cattle market of the Corporation all animals which after inspection by a duly registered veterinary surgeon shall be suspected by him to be affected with tubercular disease.

Market keeper may exclude diseased animals.

38. The market keeper may remove and exclude from the cattle market any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon is unfit for human food and may exclude from the cow market any old emaciated or diseased cow.

PART VII.—BORROWING POWERS.

Power to borrow.

39.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest the sum or sums of money following (that is to say) :—

(a) For the construction of the sewers by this Act authorised and for the purchase of land for the dry ashes depôt and for culverting the stream at such depôt any sum or sums not exceeding in the whole forty thousand pounds;

(b) For or in connexion with the conversion of the existing closet accommodation into slop water-closets or other like accommodation any sum or sums not exceeding in the whole thirty-five thousand pounds;

(c) For the payment of the costs of this Act as herein-after provided for the sum requisite for that purpose:

And with the approval of the Local Government Board such further moneys as they may require for any of the purposes aforesaid or for other the purposes of this Act And for the purpose of securing the repayment of the moneys borrowed under this Act and interest the Corporation may mortgage or charge the improvement rate.

Inquiries by and costs of Local Government Board.

40.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed

by that Board not exceeding three guineas a day for the services of such inspector. A.D. 1893.

Certain regulations of Public Health Act as to borrowing not to apply.

41. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

42. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage.
Section 237. Register of mortgages.
Section 238. Transfer of mortgages.
Section 239. Receiver may be appointed in certain cases.

Period for payment off of money borrowed.

43. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say):—

As to moneys borrowed for purpose (a) herein-before mentioned within the prescribed amount within thirty-five years from the date or dates of the borrowing of the same respectively;

As to moneys borrowed for purpose (b) herein-before mentioned within the prescribed amount within twenty years from the date or dates of the borrowing of the same respectively;

As to moneys borrowed for the payment of the costs of this Act within five years from the date of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as that Board may think fit to sanction.

Mode of payment off of money borrowed.

44. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds and in regard to any sinking funds formed under this Act the provisions of section 15 of the Local Loans Act 1875 shall apply It shall not be lawful for the Corporation to invest any moneys standing to the credit of the sinking fund in any of their own securities.

Power to re-borrow.

45. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or

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premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be re-paid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Protection of lender from inquiry.

46. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Application of money borrowed.

47. Money borrowed by the Corporation under this Act shall be applied only for purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Annual return to Local Government Board with respect to sinking fund.

48. The treasurer of the borough shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default

shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

PART VIII.—MISCELLANEOUS PROVISIONS.

Expenses of execution of Act.

49. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the improvement rate.

Offences on unfenced grounds.

50. Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed to be a public place.

Penalty on occupiers refusing execution of Act.

51.—(1) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under this Act or the recited Acts or under any byelaw for the time being in force within the borough then after notice of this provision shall have been given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the first-mentioned notice to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(2) If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Undertakings to bind successive owners.

52. Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding forty shillings for each

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breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement And every intending owner or lessee of property shall on application be entitled to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist.

Byelaws as to driving cattle &c.

53. The Corporation may from time to time make byelaws for regulating the driving of cattle sheep swine and dangerous beasts in or through the borough and for prohibiting the driving thereof through certain streets and for prescribing the hours during which and the manner in which the same may be driven and for limiting the number which may be driven at any one time and the provisions of section 23 of the Municipal Corporations Act 1882 shall apply to such byelaws as if they were byelaws made under that section for the good rule and government of the borough.

General provisions as to byelaws.

54. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority shall apply to all byelaws from time to time made by the Corporation under the powers or by virtue of this Act except byelaws to which the Municipal Corporations Act 1882 is applied by this Act.

As to appeal.

55. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate license consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Compensation.

56. Section 220 (relating to compensation) of the Act of 1886 shall apply to this Act as if the same were inserted in this Act.

Damages and charges in case of dispute to be settled by justices.

57. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the justices before whom any offender is convicted.

Recovery of penalties &c.

58. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Saving for indictments &c.

59. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Judges &c. not disqualified.

60. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or by reason of his being a member of the council.

Powers of Act cumulative.

61. All powers rights and remedies given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts and the Municipal Corporations Act 1882 Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Expenses of Act.

62. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or borough rate or out of moneys to be borrowed under the powers of this Act.

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