CHAPTER cxviii.

An Act to make further and better provision with regard to the electric light undertaking of the Council and for the improvement health local government and finance of the district and for other purposes. A.D. 1903.

[21st July 1903.]

WHEREAS the district of Aston Manor in the county of Warwick is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Aston Manor Urban District Council (in this Act called "the Council"):

And whereas by the Aston Manor Electric Lighting Order 1898 confirmed by the Electric Lighting Orders Confirmation (No. 10) Act 1898 the Council were empowered to produce and supply electrical energy within the district for public and private purposes and it is expedient to make further provision in regard to the supply of electrical energy by the Council:

And whereas by the Aston Manor Tramways Act 1900 (hereinafter called "the Act of 1900") the Council were authorised inter alia to construct the tramways and works connected therewith therein described and to work such tramways and the existing tramways within the district as for the time being belong to the Council by means of mechanical power and to lease tramways in neighbouring districts and the Council on the thirtieth day of June one thousand nine hundred and two purchased the tramway undertaking of the Birmingham and Aston Tramways Company Limited situate within the district and are about to equip the same for electrical working and also purchased the remaining term of the lease of the tramways belonging to the corporation of the city of Birmingham from the common boundary of the said city and the said district to Old Square in the said city:

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And whereas the sum of twenty-seven thousand pounds which by the Act of 1900 the Council were authorised to borrow for the construction of the tramways and electrical equipment and station by that Act authorised has proved insufficient for the purpose and it is expedient to authorise the Council to borrow further moneys for such purpose and for the purchase of the existing tramways in the district and for the general purposes of their tramway undertaking:

And whereas it is expedient that better provision should be made with reference to streets buildings sewers and drains within the district and that the powers of the Council in relation to the health local government and improvement of the district should be enlarged as by this Act provided:

And whereas it is expedient to authorise the Council to contribute to the maintenance of Aston Hall and Park within the district and to provide chairs and seats for public use and apparatus for games in any park or recreation ground within the district and to provide a band of music for the district:

And whereas it is expedient that the Council should be enabled to raise moneys for the purposes of this Act:

And whereas it is expedient that the other provisions in this Act contained should be sanctioned:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas an absolute majority of the whole number of the Council at a meeting held on the eighteenth day of December one thousand nine hundred and two after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the Aston and East Birmingham News being a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning that meeting resolved to promote the Bill for this Act:

And whereas such resolution was published twice in the said Aston and East Birmingham News 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 Council at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand nine hundred and three being not less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament:

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And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 Aston Manor Improvement Act 1903.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Electricity.
Part III.—Streets buildings and sewers.
Part IV.—Sky signs and hoardings.
Part V.—Sanitary provisions.
Part VI.—Infectious disease &c.
Part VII.—Milk provisions.
Part VIII.—Aston Park.
Part IX.—Hackney carriages.
Part X.—Licences.
Part XI.—Police.
Part XII.—Fire brigade.
Part XIII.—Public library rate.
Part XIV.—Finance.
Part XV.—Miscellaneous.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Public Health Act 1875 have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The district" means the urban district of Aston Manor:

"The Council" means the urban district council of the district:

"The clerk" "the surveyor" "the medical officer" and "the inspector of nuisances" respectively mean the clerk the surveyor the medical officer of health and inspector of nuisances appointed by the Council in pursuance of the

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powers of any public Act and "medical officer" shall include any deputy medical officer of health duly appointed:

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district:

"The county council" means the county council of the administrative county of Warwick:

"Dairy" includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale:

"Dairyman" includes any cowkeeper purveyor of milk or occupier of a dairy:

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same:

"Owner" and "street" have the same respective meanings as they have in the Public Health Act 1875:

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support:

The expression "sky sign" shall also include any balloon parachute or other similar device employed wholly or in part for the purpose of an advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include—

(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of an advertisement or announcement;

(2) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(3) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and which is or may be placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place:

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district:

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

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

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or of any local authority as defined by section 34 of the Local Loans Act 1875 but does not include securities of the Council or annuities rentcharges or securities payable to bearer:

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed:

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and rates or contributions leviable by or on the precept of the Council.

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PART II.

ELECTRICITY.

Power to supply electric fittings.

4.—(1) The Council may provide sell let for hire and fix set up alter repair and remove but shall not manufacture lamps meters electric lines fittings apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Council as the Council may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

(2) Any expenses incurred by the Council in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any money received by the Council under this section shall be applied in manner provided by section 52 or section 53 of the Aston Manor Electric Lighting Order 1898.

Altering date for filling up annual accounts for electric lighting.

5. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Council for the time being shall after the passing of this Act be filled up on or before the thirtieth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Council as if the thirtieth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Discount on electric lighting and power accounts.

6. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electric light or electrical power or energy from every person who pays

the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges Provided that the Council shall make the same allowance to all consumers under similar circumstances.

Council may refuse to supply electrical energy in certain cases.

7. The Council may refuse to supply electrical energy to any person whose payment for the supply of electrical energy is for the time being in arrear whether such payment be due to the Council in respect of a supply to the same or other premises.

As to supply of electricity where consumer has separate supply.

8. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Council a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Council such minimum annual sum as will give to the Council a reasonable return on the capital expenditure and other standing charges incurred by the Council to meet the possible maximum demand of such person In case the Council and the person demanding such supply of electrical energy shall fail to agree the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

Supply of electrical energy outside district.

9. If the local authority for any district adjacent to the area which the Council are for the time being authorised to supply with electrical energy are or shall be authorised by Act of Parliament or by provisional order confirmed by Parliament to supply energy or if any company are so authorised to supply energy within any such district the Council and such local authority or company as the case may be may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Council to such authority or company but such agreements shall in all respects be subject to the approval of the Board of Trade.

Part III.

Streets Buildings and Sewers.

Approval of plan to be void after certain intervals.

10. The approval by the Council of any plan or section of any street or building or any alteration of a building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or

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section be not commenced and bonâ fide proceeded with within the following periods (that is to say):—

As to plans or sections approved after the passing of this Act within two years from the date of such approval;

As to plans or sections approved before the passing of this Act within two years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposit and approval shall unless the Council otherwise determine be requisite.

The Council shall give notice of the provisions of this section to every person intending to lay out a new street or erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

As to plans deposited with Council.

11. The Council may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with them in pursuance of any enactment for the time being in force or any byelaw thereunder.

Power to vary position or direction of new streets.

12. When the plans of any new street are submitted to the Council for approval the Council may vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Council may define future line of existing streets.

13.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by 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 Council formally 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 or road than such line.

(2) The Council if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street or road where the same abuts upon the street or road and the same when purchased shall vest in the Council as part of the street or road.

(3) Whenever in any of the above cases the Council 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 Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Council may declare where streets begin and end.

14. The Council may by resolution declare the point or limits at or within which any street is to be taken as beginning or ending.

Intersecting streets.

15. No street shall be laid out more than one hundred and thirty yards in length without an intersecting street or foot passage not less than eight feet in width and uncovered.

Continuation of existing streets to be deemed new streets.

16. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

No building allowed until street defined.

17. No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof Any person who shall

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offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Crossings for horses or vehicles over footways.

18. Every person desirous of forming a communication for horses or vehicles across any footpath so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such communication as aforesaid has been so made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footway.

What to be deemed new buildings.

19. From and after the passing of this Act—

The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of any open space between walls or buildings;

shall for all the purposes of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building.

Height of buildings.

20. No new building shall without the approval of the Council be erected on the side of any street which shall exceed in

height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Council shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of any building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be In the case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves:

Provided that where any new building shall front to two or more streets the height of such new building shall be determined according to the width of the widest of such streets.

Height of chimneys.

21. With respect to the height of chimneys the following provisions shall have effect (that is to say):—

(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house gasworks corn-mill foundry or building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height:

(2) Any person who shall offend against any provision of this or the preceding section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Erection of buildings to greater height than adjoining buildings.

22. In case any building is after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof

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may be of the same height as the top of the chimneys of the building so erected or raised Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Deposit of building materials or excavations not to be placed without consent.

23. It shall not be lawful for any person without the consent of the Council in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Council and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily.

Materials in streets.

24. The Council may remove appropriate use and dispose of all old materials existing in any street at the time of the execution by the Council of any works in such street unless the owners of buildings or lands in such street within forty-eight hours after notice so to do served on them by the surveyor remove such materials or their respective proportion thereof and the Council may if they think fit allow such sum as they may fix to be the reasonable value thereof to such owners for any materials which have been re-used or removed by the Council.

Recovery of damages caused to footways by excavations.

25. If the footway or carriageway of any street belonging to or under the management of the Council be injured by or in consequence of any excavations or other works on lands adjoining thereto the Council may repair or replace the footway or carriageway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Council by the owner of the lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

Elevation of buildings erected on front land to be subject to

26. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation

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approval of Council.

as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of six weeks after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

As to temporary and movable buildings.

27.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Council shall within six weeks after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Council may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of six weeks without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like

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amount and the Council may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section :—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district in respect to new buildings and any tent not remaining for more than seven days ;

(B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion ;

(C) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light ; and

(D) Structures or erections (other than dwelling-houses) erected or set up on the premises of any existing railway company and used for or in connection with their railway.

Power to sell materials of temporary buildings

28. Where a temporary or other building referred to in the last preceding section is taken down or removed by the Council under the powers of this Part of this Act the Council may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance thereof to the owner of such structure.

Fencing lands adjoining streets.

29. If any land other than land now forming part of any common adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any

purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the clerk of the Council to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred may be recovered from such owner or occupier summarily as a civil debt.

Entrances to courts not to be closed.

30. The entrance to any court not being a highway repairable by the Council shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered.

Provision for preventing formation of culs-de-sacs.

31. The Council may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith.

Restriction on erection of any building in certain courts.

32.—(1) No building shall be erected in any court on any land on which a dwelling-house was not standing at the commencement of this Act:

Provided that if any such land upon which a new building could be erected in compliance with the byelaws of the Council for the time being in force in the district remains vacant or unbuilt upon the Council shall make compensation to the owner of such land for any loss or damage sustained by him in consequence of not being allowed to erect a new building upon such land.

(2) When in any court any building is burnt or pulled down to or below half the front thereof such building shall be entirely pulled down and removed and shall not be rebuilt. Provided that the Council shall make compensation to the owner of such building land for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt.

(3) Nothing in this section shall be deemed to affect any other powers of the Council with respect to buildings in courts.

Council may require enlarged sewer.

33. If in any street the Council for the purpose of main drainage or otherwise shall require a larger sewer or drain to be made than they consider necessary for the ordinary sewerage or

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drainage of such street the person laying out such street shall construct such enlarged sewer or drain in accordance with the requirement of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

As to separate sewers.

34. Where under the provisions of the Public Health Acts or this Act the Council have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively and the Council may if such separate sewers have been provided from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply.

For preventing soil and sand from being washed into streets.

35. The owners or occupiers of all lands abutting upon any public street and the owners or 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 gully in such quantities as will obstruct the highway or choke up such sewer or gully 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.

For preventing water flowing on footpath.

36. Where premises abutting upon any street are so situate that the surface water from such premises is liable to flow on to

the footpath of such street the owner of such premises shall within one month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Dangerous places to be repaired or enclosed.

37. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

(1) If any building wall steps structure or other thing or any well excavation reservoir pond stream dam or bank on any land or place is in the opinion of the Council for want of sufficient repair protection or enclosure dangerous to the passengers along any street or footpath the Council may order the owner within the period specified in such order to repair remove protect or enclose the same so as to prevent any danger therefrom:

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Council may cause such works as they think proper to be done for effecting such repair removal protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily.

Trees or shrubs overhanging streets and footpaths.

38. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

As to underground rooms.

39. The provisions of sections 96 97 and 98 of the Public Health (London) Act 1891 shall extend and apply to all underground rooms which were not let or occupied separately as dwelling-houses before the passing of this Act within the district and for the purpose of such application the Council shall be deemed to be the sanitary authority referred to in those sections.

As to urgent repairs to private streets.

40. In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs danger exists to passengers or vehicles in such street the Council may give notice in writing to

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the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs:

Provided that no railway company shall be deemed to be an owner for the purposes of this section in respect of any land of such company upon which any street shall wholly or partially front or abut and which shall at the time when such notice is given be used by such company solely as a part of their line of railway or siding station or works and shall have no direct communication with such street.

Prevention and removal of projections over streets.

41. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the district extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Council may determine to be dangerous or an obstruction to the safe and convenient use of any street.

Storing of wood and timber.

42.—(1) It shall not be lawful for any person to erect or place a pile stack or store of cut or uncut timber lathwood firewood casks or barrels whether on or above the ground nearer to a street than the buildings forming the general line of buildings therein Timber yards existing on the first day of January one thousand nine hundred and three shall be exempt from the provisions of this subsection.

(2) It shall not be lawful for any person to pile stack or store cut or uncut timber lathwood firewood casks or barrels in the same yard or ground or in any part of the same premises with any furnace except in the following cases:—

(A) Where the furnace is enclosed in a building or chamber constructed of fire-resisting materials; or

(B) Where there is a distance of not less than ten feet between the furnace and the pile stack or store of timber lathwood firewood casks or barrels.

(3) No pile stack or store of timber lathwood firewood casks or barrels shall exceed in height from the level of the ground sixty feet nor in cases where any pile stack or store other than one situate in a yard existing as aforesaid on the said first day of January one thousand nine hundred and three is situate within fifty feet of any street the horizontal distance of the nearest portion of such pile stack or store from the opposite side of any such street measured at right angles to such street.

(4) It shall not be lawful to form in any pile stack or store of timber lathwood firewood casks or barrels any room or chamber or space (other than a passage) to be used for any purpose whatever.

(5) Any person who acts in contravention of any of the provisions of this section shall be liable for each offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding the like amount.

(6) This section shall not apply to railway companies or canal companies so far as regards timber lathwood firewood casks or barrels in transit or piled stacked or stored on land occupied by them for the purposes of their undertakings.

In executing works for owner Council not liable for damages save in case of negligence.

43. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council or any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Council may make communications between private drains and their sewers on payment &c.

44. If the owner or occupier of any premises within the district desires that any private sewer or any drain from such premises shall be made to communicate with any sewer of the Council the Council may and shall make so much of such private sewer or drain as is to be constructed under any public highway and also the junction of such private sewer or drain with the sewer of the Council and may and shall execute all necessary works for those purposes upon the reasonable or estimated cost thereof being paid to the Council or the payment thereof to them being secured by deposit or otherwise to their satisfaction.

Watercourse choked up to be a nuisance under Public Health Act 1875.

45. Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into land and property adjacent thereto shall be deemed a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Water or stack pipes not to be used as ventilating shafts.

46. No water pipe stack pipe or down spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain Any person who shall offend against this section after fourteen days from the service upon

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him by the Council of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Exemption for railway property.

47. Nothing in this Part of this Act or any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connection with their railway.

PART IV.

SKY SIGNS AND HOARDINGS.

Regulations as to sky signs.

48.—(1) It shall not be lawful to erect or fix to upon or in connection with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed:

Provided that in any of the following cases a licence of the Council under this subsection shall become void (namely):—

(i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;

(ii) If any change be made in the sky sign or any part thereof;

(iii) If the sky sign or any part thereof fall either through accident decay or any other cause;

(iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof; or

(v) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to hoardings and other structures used for advertising purposes.

49.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure to a greater height than twelve feet above the level of such street in or abutting on or adjoining any street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the maintenance of such hoarding or similar structure as the Council may determine.

(3) The owner or other person using any hoarding wall or other structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any paper affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such paper.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any consent or condition given or made under this section may be under the hand of the clerk or surveyor.

Restriction on advertising vehicles.

50. It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit Any person aggrieved under this or the preceding section by the refusal of the Council to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he give twenty-four hours' notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they think fit and to award costs such costs to be recoverable as a civil debt.

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Part V.

Sanitary Provisions.

Extension of section 41 of Public Health Act 1875.

51. The powers conferred by section 41 of the Public Health Act 1875 upon the Council to empower the surveyor and inspector of nuisances to enter premises for the purposes therein mentioned shall extend to authorise the Council if on the report of either of such officers it shall appear that they have reason to suspect that any drain watercloset earth-closet privy ashpit or cesspool is in a condition in which it is a nuisance or injurious to health or likely to become so to empower the surveyor or inspector of nuisances after twenty-four hours' notice to the occupier of such premises or in case of emergency without notice to enter such premises and to act in accordance with the provisions of the said section as if such written application had been made as therein mentioned.

Urinals to be attached to refreshment rooms.

52. Where any inn public-house beerhouse eating-house theatre or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house beerhouse eating-house theatre or other place of public entertainment to provide and maintain on the premises a proper and sufficient urinal or urinals and shall keep the same in good order and condition Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings Provided always that a refreshment room now or hereafter belonging to any railway company shall not be deemed to be an inn public-house beerhouse eating-house or other place of public entertainment within the meaning of this section.

Council may require removal or alteration of urinals.

53. If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove such urinal or convenience Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to require watercloset for new buildings.

54.—(1) The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available require that such new building shall be provided with proper and sufficient waterclosets with sufficient flushing apparatus.

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(2) The Council may on the erection of any new building when a sewer and water supply sufficient for a watercloset are not reasonably available require one or more proper and sufficient earth-closets and ashpits to be provided at or in connection with such building.

(3) Any person offending against any requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Conversion of existing accommodation into watercloset.

55.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may require any existing closet accommodation (other than a watercloset) provided at or in connection with any building to be altered so as to be converted into a watercloset with sufficient flushing apparatus which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing:

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such a state as to create a nuisance or to be injurious to health then the Council shall bear and pay such sum towards the expenses incurred by them (not being less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expenses.

(4) The notice under this section shall state the effect of the provisions of this section.

As to appeal under two last preceding sections.

56.—(1) Where any person deems himself aggrieved by any requirements of the Council under either of the two last preceding sections or disputes the reasonableness of the expenses charged to him by the Council under such sections such person may within

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fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties:

Provided nevertheless that the right of appeal subsequent to the service of a demand of a payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(2) Pending the decision of the court upon such appeal the Council shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Apportionment of expenses in case of joint owners.

57. Where under the provisions of this Part of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Part of this Act are recoverable by the Council from the owner shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor.

Charge for emptying ashpits of trade refuse.

58. If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any ash-pit or ashtub the Council may make a reasonable charge for the removal of the said refuse materials or rubbish which charge shall be paid to the Council by the occupier of the premises in respect of which the charge is made and may be recovered summarily.

Lavatories &c. under streets.

59. The Council may in or under any street in the district repairable by the inhabitants at large construct maintain fit up and supply with water and light lavatories closet accommodation and urinals for the use and accommodation of the public and may make and maintain accesses thereto and may use the soil of such street for those purposes and may employ and pay persons to take charge of and manage the lavatories closet accommodation and urinals and may make and enforce regulations with respect to admission thereto the use thereof and charges to be made therefor.

Prohibition of discharge of trade refuse into sewers.

60.—(1) It shall not be lawful for any person to cause or suffer any refuse sweepings garbage or offal from any manufactory manufacturing work workshop or shop that would interfere with the treatment or utilisation of the sewage of the district to flow or pass into any sewer of the Council or to flow or pass into any drain channel or watercourse communicating with any such sewer in such manner that the same will be carried by through or

out of such drain channel or watercourse into any such sewer and if any person is guilty of any act or omission in contravention of this section he shall be liable to a penalty not exceeding twenty pounds and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the court of summary jurisdiction before whom he is convicted Provided that any person charged with an offence against this section shall not be convicted thereof if he shows to the satisfaction of the court of summary jurisdiction before whom he is charged that he has duly used the best practicable and reasonably available means (including settling tanks and screens for the elimination of grease and solid matter) of depriving such refuse sweepings garbage or offal of qualities that would make it likely to interfere with the treatment or utilisation of the sewage of the district.

(2) The Council shall from time to time remove all solid matter eliminated from such refuse sweepings garbage or offal as aforesaid.

(3) If at the date of the passing of this Act the owner or occupier of any manufactory workshop or shop had and exercised the right to pass into any sewer of the Council or into any drain channel or watercourse communicating with such sewer any such refuse sweepings garbage or offal the Council shall make compensation to such owner or occupier for any loss or damage caused by any requirement of the Council under this section.

(4) In the event of any compensation being paid by the Council as aforesaid the plant and apparatus erected after the passing of this Act for dealing with the trade refuse of the owner or occupier to whom such compensation is paid shall be deemed to be landlord's fixtures.

(5) No person shall be liable to conviction for an offence under this section unless the Council shall have given him six months' notice of the provisions of this section and of their requirements thereunder prior to the date of such offence but the Council shall not by reason of their making any requirement be prevented from subsequently making other and further requirements.

For regulating manufacture and sale of ice creams &c.

61. Any person being a manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity who within the district—

(A) Causes or permits ice creams or any similar commodity to be manufactured sold or stored in any cellar or room in which there is an inlet or opening to a drain; or

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(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

As to nuisances.

62. For the purposes of the Public Health Act 1875—

(A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health;

(B) Any gutter drain shoot stackpipe or down spout of a building which by reason of its insufficiency or its defective condition shall cause damp in an adjoining building;

(C) Any deposit of material in or on any building or land which shall cause damp in an adjoining building so as to be dangerous or injurious to health; and

(D) Any watercloset earth-closet or manure-pit so foul or in such a state as to be a nuisance or injurious to health;

shall be deemed to be a nuisance within the meaning of the said Act.

As to appointment of inspectors of nuisances.

63. The Council may appoint more than one inspector of nuisances and section 189 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the district be construed accordingly.

Council may order houses to be drained by a combined operation.

64. If it appear to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains for such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and if constructed by the Council may be recovered

by the Council from such owners or occupiers in a summary manner before a court of summary jurisdiction: A.D. 1903.

Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council.

Reconstruction of drains to require approval of surveyor.

65. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Provision for filling up cesspools &c.

66. If it shall appear to the Council by the report of the medical officer surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ash-pit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Council may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ash-pit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed or taken away or to cause such cesspool receptacle ash-pit or well to be so altered as to remove any such objection as aforesaid.

Where it appears that any such cesspool receptacle ash-pit or well is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ash-pit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Council may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

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Pipes from slopstones to be disconnected from sewers.

67. Every pipe from any slopstone bath or lavatory in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped Provided always that any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with a notice from the Council or the surveyor or inspector of nuisances requiring the owner of such building to comply with the provisions of this section Provided also that this section shall only apply to buildings existing at the passing of this Act and any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Council.

Soil pipes to be ventilated.

68. The soil pipes of the waterclosets within houses and buildings shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Council shall direct and any owner or occupier of a house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Improper construction or repair of watercloset or drain.

69. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a fine not exceeding twenty pounds:

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

Wilful damage to drains.

70. If any person cause any drain watercloset waste watercloset earth-closet privy or ashpit to be a nuisance or injurious or

dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds:

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Council may require old drains to be laid open for examination by surveyor before communicating with sewers.

71. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Council shall be made to communicate with any sewer of the Council the Council may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer.

Ejection of steam &c. not to be an annoyance to the public.

72. All steam ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company.

Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Defining the establishing of a new business.

73. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established anew not only if it is established newly but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

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Time for recovery of expenses.

74. The Council may if they think fit allow to the owners time for the repayment of any expenses incurred by them under this Part of this Act and in that case section 257 of the Public Health Act 1875 shall apply as if such expenses were expenses for the repayment whereof the owner of the premises was made liable under that Act.

PART VI.

INFECTIOUS DISEASE &c.

Byelaws for regulating hospitals.

75. The Council may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious disease temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Council.

Prohibiting conveyance of infected persons in public vehicle.

76. It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a fine not exceeding forty shillings.

Driver &c. of infected person to give notice.

77. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle to be disinfected and if he fails so to do he shall be liable to a fine not exceeding five pounds and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to cover any loss and expense incurred by him in connection with such disinfection It shall be the duty of the Council when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

Infected person not to carry on business.

78. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the district or pick fruit intended for consumption within the district or engage in any trade or business connected with food

intended for consumption within the district or carry on any trade or business in such a manner as to be likely to spread such infectious disease within the district and if he does so he shall be liable to a penalty not exceeding forty shillings. A.D. 1903.

Penalty on guardian permitting infected child to attend school.

79. No person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having seen or procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Principals of schools to furnish lists of scholars.

80. Whenever any scholar who attends any school within the district shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith send notice thereof to the medical officer and shall furnish to the Council at their request a list of the scholars attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings The Council shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five scholars named therein.

Power to medical officer to examine school children.

81. The medical officer may enter any public elementary school within the district at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection.

The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

Any person who shall obstruct the medical officer in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as

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aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

Disinfection of clothes.

82. Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Council or to the satisfaction of the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Council shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Filthy and dangerous articles to be purified.

83.—(1) Where on the certificate of the medical officer it appears to the Council that any articles in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Council may if they think fit cause any such articles in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

(2) If any owner suffer any damage the Council shall compensate him for the same and the Council shall also reasonably compensate the owner for any articles destroyed.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

84. Whenever it shall be certified to the Council by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Protection against infection of books in public libraries.

85. No person shall return to any public or lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it

has been exposed to infection to the inspector of nuisances and leave the book at the office of the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Wake not to be held over body of person dying of infectious disease.

86. It shall not be lawful to hold any wake over the body of any person who has died of any infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

Dairymen to notify infectious disease among their servants.

87. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the Council or to the medical officer all cases of infectious disease among persons engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

Medical officer may require dairymen to furnish lists of sources of their supply of milk and of their customers.

88. If the medical officer shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district 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 such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to which he has within such six weeks supplied milk within the district and the Council shall pay to him for such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein and every such person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Compensation to dairymen.

89. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

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Compensation to persons ceasing employment.

90. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Council may pay expenses of persons in hospital.

91. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Council may if they think fit themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.

Cleansing of infected house &c. and removal of persons from infected house.

92.—(1) Where it appears to the Council upon the certificate of the medical officer that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check any infectious disease the Council may serve notice on the occupier or where the house or part thereof is unoccupied on the owner of such house or part thereof that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the Council unless the person so notified informs the Council within a time to be specified in the notice from the receipt of the said notice that he will cleanse or disinfect the house or part thereof with any such articles or destroy such articles to the satisfaction of the medical officer as testified by certificate by him within a time fixed in the notice.

(2) If either—

(A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Council as aforesaid; or

(B) Having so informed the Council he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice; or

(C) The occupier or owner as the case may be without such notice gives his consent;

the house or part thereof and the articles shall be cleansed and disinfected or such articles destroyed by the officers of and at the cost of the Council.

(3) For the purpose of carrying into effect this section the Council may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

(4) When the Council have disinfected any house part of a house or any article under the provisions of this section they shall compensate the occupier or owner of such house or part of a house

or the owner of such article for any damage thereby caused to such house part of a house or article and when the Council destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner.

(5) If the Council deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Council to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian The Council shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

(6) For the purposes of this section the word "house" includes any tent or van.

(7) The Council may for the purposes of this section—

Themselves build a place of reception;

Contract for the use of any place of reception.

Any expenses incurred by the Council under this section shall be paid out of the district fund and general district rate.

Certificate required before removal by railway &c. of body of person dying of infectious disease.

93. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the district of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purposes) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Council may provide nurses.

94. The Council may provide or contract with any person or persons to provide nurses for attendance upon persons suffering

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from infectious disease within the district and may charge a reasonable sum for the service of any nurse provided by them.

Prohibition of blowing or inflating carcases.

95. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district and any person offending against this enactment or exposing or depositing for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Notice of provisions of this Part of Act.

96. The Council shall cause public notice to be given of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills or otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Council may fix.

PART VII.

MILK PROVISIONS.

Penalty for selling milk of diseased cows.

97. Every person who knowingly sells or suffers to be sold or used for human consumption within the district the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows.

98. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the district who after becoming aware that any cow in his diary is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Obligation to notify cases of tuberculosis.

99. Every dairyman who supplies milk within the district and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

100.—(A) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer to take within the district for examination samples of milk produced or sold or intended for sale within the district.

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(B) The like powers in all respects may be exercised outside the district by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

Power to inspect cows and to take samples of milk.

101.—(A) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

(B) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the district until the order has been withdrawn by the Council.

(C) If the medical officer has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the district is likely to cause tuberculosis in persons residing within the district the powers conferred by this section may in all respects be exercised in the case of such dairy Provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(D) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for

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all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(E) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Council may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the district on the council of the borough or district in which it is situate.

(F) The said order shall be forthwith withdrawn on the Council or their medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the district.

(G) If any person after any such order has been made supplies any milk within the district in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(H) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

Appeal.

102. The dairyman may appeal against an order of the Council under this Part of this Act or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situate outside the district to the Board of Agriculture who shall appoint an officer to hear such appeal Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the clerk not less than forty-eight hours before the hearing Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

The Board of Agriculture may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture in the matter of the appeal.

The court or the Board of Agriculture as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture as aforesaid) are to be paid but pending the decision of the appeal

the order shall remain in force unless previously withdrawn by the Council. A.D. 1903.

Compensation.

103. If an order is made without due cause or if the Council unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Council full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Council to withdraw the order.

The court or the Board of Agriculture may determine and state whether an order the subject of appeal has been made without due cause and whether the Council have unreasonably refused to withdraw the order and whether the dairyman has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

Notice of provisions of this Part of Act.

104. The Council shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Council may fix.

Procedure.

105. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Council before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise.

Expenses and execution of this Part of Act.

106.—(1) All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and general district rate and the Council may also charge upon the same rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district Provided that no such test shall be applied except with the previous consent of the owner of such cow.

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(2) This Part of this Act may be carried into execution by a committee of the Council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Council.

Part VIII.

Aston Park.

Chairs and seats for public use.

107. The Council may place or authorise any person or persons to place seats shelters or chairs in any street park recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Bands of music.

108. The Council may pay or contribute towards the payment of a band of music to perform in any park recreation ground or building for the time being belonging to or held by the Council or elsewhere in the district as they may direct and the Council may enclose a small area within which such band shall play and make byelaws for regulating the time and place for the playing of the band and the payments to be made for admission within such building or enclosure and for securing good and orderly conduct during the playing of the band Provided that the amount of such payments or contributions do not in any one year exceed an amount which would be produced by a rate of one penny in the pound on the assessable value of the district for the purposes of the general district rate.

Power to provide apparatus for games.

109. The Council may provide apparatus for games and recreation for the use of the public frequenting any public parks gardens and recreation grounds within the district 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 upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and the payment for the use of such apparatus.

Power to contribute to maintenance of Aston Hall and Park.

110. The Council may contribute annually out of the district fund and general district rate such sums as they may think fit towards the maintenance of Aston Hall and Park within the district.

Consent of Corporation of Birming-

111. The Council shall not exercise the powers of the sections of this Part of this Act of which the marginal notes are "Chairs

and seats for public use" "Bands of music" "Power to provide apparatus for games" within Aston Park within the district belonging to the mayor aldermen and citizens of the city of Birmingham (hereinafter called "the corporation") without the consent of the corporation first had and obtained.

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ham to be obtained to exercise of certain powers within Aston Park.

Part IX.

Hackney Carriages.

112. Any person appointed by the Council in writing may examine all public vehicles plying for hire within the district and shall see that the laws and byelaws relating to such public vehicles are duly observed If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Powers of inspectors of hackney carriages.

113. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Council with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the district conveying passengers to or from any railway station within the district as if such railway station were a public stand for public vehicles and also to such carriages and the drivers thereof within a distance of five miles from the district if the hiring takes place within the district Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the district Provided also that if the hiring takes place within the district any offence against any such byelaw whether such offence shall have been committed within the district or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the district:

As to public vehicles taken at railway stations.

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

114. An occasional licence for a public vehicle may be granted by the Council to be in force for such day or days or other period less than one year as may be specified in the licence.

Occasional licences may be granted.

Part X.

Licences.

115.—(1) The Council may grant to any person they think fit a licence to carry on the calling of porter messenger or

Power to licence persons follow-

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ing certain callings.

commissionaire and may charge a fee of one shilling for every such licence.

(2) Any licence issued by the Council under this section may be granted for a year or for any less period as the Council may think fit and may be suspended or revoked or endorsed by the Council whenever they shall deem such suspension revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of this power to suspend revoke or endorse a licence shall be plainly set forth in the licence itself.

(3) Every such licence whensoever issued shall expire on the first of January next following the date of its issue and may contain conditions as to the badge which the holder of any such licence shall wear.

(4) If any person feels himself aggrieved by the suspension or revocation of his licence he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear expedient.

(5) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

Part XI.

Police.

Unfenced ground to be deemed a public place.

116. Any unfenced ground adjoining or abutting upon any street and any recreation ground belonging to or under the control of the Council 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 a public place.

Recreation grounds to be deemed streets for police purposes.

117. The recreation grounds and any unfenced ground abutting on any street shall be deemed streets for the purposes of this Part of this Act and sections 24 25 and 29 of the Town Police Clauses Act 1847 and so much of section 28 of such Act as relates to the following offences :—

Every person who suffers to be at large any unmuzzled ferocious dog or urges any dog or other animal to attack worry or put in fear any person or animal :

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle :

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language:

Every person who slaughters or dresses any cattle or any part thereof except in the case of cattle overdriven which may have met with accident and which for the public safety or other reasonable cause ought to be slaughtered on the spot:

Every person who wantonly discharges any firearm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework:

Every person who throws or lays any dirt litter or ashes or nightsoil or any carrion fish offal or rubbish on any street.

For suppression of betting in public places.

118. Any person who shall frequent and use any street or public place within the district either on behalf of himself or of any other person for the purpose of bookmaking or betting or wagering or agreeing to bet or wager with any person or for the purpose of receiving paying or settling bets shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds and for the third and every subsequent offence fifty pounds.

No person to have care of more than one cart.

119. Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have the care of more than one cart or carriage each drawn by an animal in any street in the district within a radius of one mile from the offices of the Council and no person shall fasten or allow to be fastened to the rear of any such cart or carriage any other cart or carriage drawn by an animal or any animal drawing a cart or carriage and any person acting in contravention of this enactment shall be liable to a penalty not exceeding twenty shillings for each offence.

Reckless driving.

120. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty not exceeding forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Notice of processions to be given.

121. Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets

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of the district shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Council by leaving such notice at the clerk's office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets If any such procession passes through any street of the district without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Part XII.

Fire Brigade.

Power to police constable &c. to enter and break open premises in case of fire.

122. Any police constable acting under the orders of his superior officer and any member of the fire brigade of the Council being on duty and any officer of the Council may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or any building or land adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Captain of fire brigade or other officer to have control of operations.

123.—(1) The captain or superintendent of the fire brigade of the Council or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Council or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

(2) The officer in charge of the police at any fire in the district shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

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Firemen's cottages.

124. The Council may subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time erect on any land belonging to them and not specifically appropriated to other purposes such cottages as they think fit for the habitation of their firemen and may let the said cottages or any of them to such firemen on such terms and conditions at such rent or free from rent as the Council think fit.

Agreements with local authorities for common use of fire appliances.

125. The Council and the local authority of any other borough or urban district may enter into and carry into effect agreements for the common use of any fire-engines with their appurtenances and firemen belonging to the Council or such local authority or for the mutual assistance in case of fire.

Part XIII.

Public Library Rate.

Rates for public libraries.

126. Notwithstanding anything in the Public Libraries Acts 1892 and 1893 the rate or addition to a rate for the purposes of the said Public Libraries Acts in the district for any one financial year may amount to but shall not exceed twopence in the pound.

Part XIV.

Finance.

Power to borrow.

127.—(1) The Council may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest any sums not exceeding the following sums:—

(A) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for the purpose;

(B) For the purpose of constructing the tramways and electrical equipment and station authorised by the Act of 1900 the sum of thirty-six thousand pounds in addition to the sum of twenty-seven thousand pounds authorised by that Act;

(C) For the purchase of the existing tramways and for defraying the costs and expenses incident to such purchase and to the transfer of the existing tramways to the Council and for the purpose of adapting and equipping such tramways such sums as may be required:

And with the consent of the Board of Trade such further money as may be necessary for any of the purposes of the tramway undertaking of the Council and with the consent of the Local Government

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Board such further money as may be necessary for any of the purposes of this Act.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge as regards the purposes (B) and (C) and the purposes of the tramway undertaking of the Council the revenue of that undertaking and as a collateral security the district fund and general district rate and as regards other purposes the district fund and general district rate Provided that the provisions of this subsection shall not limit the power conferred upon the Council by this Act to issue one form of mortgage charging the whole of their revenue.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

128. The powers of borrowing money given by this Act 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 Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Mode of raising money.

129. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act whereof the marginal note is "Sinking fund" shall apply in lieu of the provisions of section 15 of the Local Loans Act 1875.

Provision as to mortgages.

130. The following sections of the Public Health Act 1875 (that is to say) :—

Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages);

shall extend and apply to and in relation to all mortgages made under the powers of this Act.

Periods for payment off of money borrowed.

131. The Council 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 the purposes (B) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty years from the date or dates of borrowing the same:

As to moneys borrowed for the purposes (C) mentioned in the said section within thirty-five years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (A) mentioned in the said section within five years from the date or dates of borrowing the same:

As to moneys borrowed with the sanction of the Local Government Board or of the Board of Trade within such period as those Boards may respectively sanction.

Mode of payment off of money borrowed.

132. The Council shall pay off all moneys borrowed by them under the powers of this Act so far as such debts are not repaid by the Council out of moneys borrowed under this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

133.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed periods of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called "a non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed periods of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed periods the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investment.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for

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the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed periods a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within

the prescribed periods the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed periods the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

Power to reborrow.

134. The Council may except as hereinafter provided reborrow for the purpose of paying off any moneys borrowed or reborrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the reborrowing and which at the time of the repayment it was intended to reborrow Provided that the Council shall not have power to reborrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys reborrowed shall be deemed to form the same loan as the money for the repayment of which the reborrowing has been made and shall be repaid within the prescribed period.

Protection of lender from inquiry.

135. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

136. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied

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notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Return respecting sinking fund to Local Government Board.

137.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct

that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Appointment of receiver.

138.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Expenses of executing Act.

139. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid out of the district fund and general district rate:

Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

Application of money borrowed.

140. All money borrowed by the Council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Audit of accounts.

141. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Scheme for fixing equated periods.

142.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force

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and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Power to use one form of mortgage for all purposes.

143.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Council and may be made in the form contained in the Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with stock issued by the Council and with all other securities granted by the Council at any time after the date of the first creation of such stock.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the fund rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) There shall be kept at the office of the Council a register of the mortgages under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours

at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Schedule to this Act or to the like effect.

(8) There shall be kept at the office of the Council a register of the transfers of mortgages under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person excepting the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Inquiries by Local Government Board.

144.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Board under the Public Health Act 1875.

(2) All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector) in relation to the duties imposed on that Board under this Act shall be paid by the Council.

Power to grant gratuities in

145.—(1) The Council may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers

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certain cases.

or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

PART XV.

MISCELLANEOUS.

Council may use lands.

146. The Council may with the consent of the Local Government Board and subject to such conditions as that Board may prescribe appropriate and use for any of the purposes of this Act or any other Act any lands for the time being vested in them as an urban district council or otherwise and not required for the purposes for which the same were acquired but nothing in this section shall authorise the Council to create or permit any nuisance.

If the Council so appropriate any lands they shall charge the account for which the said lands are appropriated with a reasonable sum by way of purchase money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

Consent of Local Government Board to disposition of land.

147. This Act shall not be taken to dispense with the consent of the Local Government Board to any disposition of land in any case in which such consent would have been required if this Act had not been passed.

General provisions as to byelaws.

148. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Council under the powers of this Act.

Informations by whom to be laid.

149. Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Penalty on occupiers refusing execution of Act.

150. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts III. and V. of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council 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 two pounds and during the continuance of his 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.

Evidence of appointments authority &c.

151. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman or the clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication and service of notices &c.

152. In the case of any notice or demand under this Act requiring authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

As to appeal.

153. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate licence consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order made by a court of summary jurisdiction

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under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal.

Recovery of penalties.

154. Save as otherwise by this Act expressly provided all offences against this Act and all 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 Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Damages and charges to be settled by justices.

155. Where any damages expenses costs 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 a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid over to treasurer.

156. All penalties recovered by the Council or any officer of the Council on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer of the Council and carried by him to the credit of the district fund.

Compensation &c. how to be determined.

157. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Saving for indictments &c.

158. 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 Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Judges &c. not disqualified.

159. 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.

Powers of Act cumulative.

160. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other

powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed 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.

Crown rights.

161. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

Expenses of Act.

162. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of the district fund and general district rate and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

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The SCHEDULE referred to in the foregoing Act.

FORM OF MORTGAGE.

By virtue of the Aston Manor Improvement Act 1903 and of other their powers in that behalf them enabling the urban district council of the urban district of Aston Manor (hereinafter referred to as "the Council") in consideration of the sum of pounds paid to the treasurer of the district by (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly (to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned) (on the day of and the day of in each year) And it is hereby agreed that the said principal sum of pounds shall be repaid at the Council offices in the said district (subject as hereinafter provided) (on the day of one thousand nine hundred and) (by):

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the said Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum] Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] [of] in consideration of the sum of pounds paid to me by of (hereinafter called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns (the within written security) [the mortgage number of the revenues of the urban district council of the urban district of Aston Manor bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions dated this day of one thousand nine hundred and .

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