CHAPTER xc.

An Act to authorise the Urban District Council of Birkdale to make further provision in regard to the health local government improvement and finance of the urban district and for other purposes. A.D. 1904.

[22nd July 1904.]

WHEREAS the urban district council of the urban district of Birkdale (in this Act called "the Council") are also the urban sanitary authority for the district:

And whereas the mayor aldermen and burgesses of the borough of Southport in the month of November one thousand nine hundred and three applied to the Local Government Board for a Provisional Order to include within the borough the urban district of Birkdale which application was refused by the said Board and large expenses have been incurred by the Council in connexion with their opposition to that application and it is expedient that the Council should be authorised to borrow money for the purpose of paying those expenses:

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 that the Council should be empowered to borrow money as in this Act mentioned and that better provision should be made as in this Act mentioned in regard to the loans of the Council the securities upon which they are charged the discharge of borrowed money and other financial matters:

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And whereas the objects aforesaid 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 twentieth day of November one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Southport Visiter a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said Southport Visiter 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 nineteenth day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

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 Birkdale Improvement Act 1904.

Interpretation.

2. In this Act unless the subject or context otherwise requires—

"The Council" means the urban district council of Birkdale;

"The district" means the urban district of Birkdale;

"The clerk" "the treasurer" "the medical officer of health" "the surveyor" and "the inspector of nuisances" mean

respectively the clerk the treasurer the medical officer of health the surveyor and the inspector of nuisances for the district and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

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

"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 purposes of any 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 any 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 placed wholly upon or over any 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;

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"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 (not being annuities rent-charges or securities transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council;

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

"Dairy" includes any farm farmhouse cowshed milk store milkshop or other place from which milk is supplied or in which milk is kept for the 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 the Acts amending the same;

Words and expressions to which meanings are assigned in enactments incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

Limits of Act.

3. The limits of this Act for the exercise of the several powers by this Act conferred shall except where it is otherwise provided be the district.

Part II.

Promenades and Recreation Grounds.

Byelaws as to promenades.

4. The Council may for the prevention of danger obstruction or annoyance to persons using the promenades make byelaws prescribing the nature of the traffic for which they may be used regulating the selling and hawking of any article commodity or thing thereon and for the preservation of order and good conduct among the persons frequenting the same.

Council may provide pavilions.

5. The Council may in any recreation ground belonging to them erect provide maintain furnish and equip any pavilions

assembly rooms reading rooms baths and other buildings which may be required or convenient for the purposes of such recreation ground and the public resorting thereto and may charge for admission to such buiidings or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Council shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to let pavilions or provide entertainments therein.

6. The Council may in any pavilions assembly rooms reading rooms baths or other buildings for the time being belonging to them or under their control in any recreation ground provide and carry on or arrange for the provision or carrying on of suitable entertainments exhibitions and amusements or may let for any period not exceeding seven years any such building for the purpose of such entertainments exhibitions or amusements upon such terms and conditions as they may think fit or may let the same for particular entertainments or exhibitions or for meetings.

Seats and chairs may be provided.

7. The Council may place or authorise any person or persons to place seats or chairs in any street 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 reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Power to set apart portions of recreation grounds for games.

8. The Council may set apart any portion of any recreation ground for cricket football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws with respect to the use of any portions of a recreation ground so set apart.

Power to provide apparatus for games.

9. The Council may provide apparatus for games and recreation for the use of the public frequenting the recreation grounds 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

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and conditions as they think proper and the Council may make regulations with respect to the use and payment for the use of such apparatus.

Bands of music.

10. The Council may pay or contribute towards the payment of a public band or bands of music provided that the amount of such payments or contributions does not in any year exceed a sum equal to a rate of one penny in the pound on the assessable value of the district for the purposes of the general district rate The Council may in any recreation ground or other public place enclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payment to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band Provided always that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of an absolute majority of the whole number of the Council at a meeting of the Council after seven clear days' notice of such meeting and of the intention to propose such resolution.

Power to appoint officers.

11. The Council may appoint officers for securing the observance of this part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Expenses and application of moneys under this part of this Act.

12. All expenses incurred by the Council in the exercise of the powers of this part of this Act shall be paid out of the district fund and any moneys received by the Council in connexion with the execution of the purposes of this part of this Act shall subject to payment of the expenses incidental to the execution of the said purposes be carried to the credit of the district fund.

Part III.

Streets Buildings and Sewers.

Approval of plan to be void after certain interval.

13.—(1) The approval by the Council of any plan or section of any street or 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 section be not commenced within the following periods (that is to say) :—

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

As to plans and 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.

(2) 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.

Retention of plans deposited with Council.

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

Power to vary position or direction of new street.

15. When any plans or sections of any new street are submitted to the Council for approval the Council may by order vary or alter the position direction or level of any intended street therein 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.

No building allowed until street defined.

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

Council may declare where streets begin and end.

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

Crossings for horses or vehicles over footways.

18. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footpath so as to afford access to anypremises from a street repairable by the inhabitants at large shall first give notice in writing of such

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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 If any person drives or permits or causes to be driven any horse cattle or vehicle across any footpath unless and until such communication as aforesaid has been so made or on or along any part of any such footpath 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 footpath Provided that nothing in this section shall be deemed to apply to the temporary crossing of footpaths during building operations if means satisfactory to the Council be taken to protect such footpaths from injury and for the convenience of foot passengers.

Continuation of existing streets to be deemed new streets.

19. 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.

Urgent repairs to private streets.

20.—(1) 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 dangers exist to passengers or vehicles in such street the Council may give notice in writing to 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.

(2) If within such reasonable time as the Council may in such notice have specified the repairs are not executed the Council may execute the repairs and may recover the cost of so doing from the owner or owners in default or if there be more than one owner in proportion to frontage summarily as a civil debt.

(3) If the Council are unable to discover the name or abode of any owner the Council may execute such repairs without having served upon him any notice.

Agreements with owners.

21. The Council and the owner for the time being of any lands liable to private improvement expenses may at any time

or times agree as to the apportionment of such expenses or any part or parts thereof or any division or subdivision thereof among the premises affected by such expenses.

What to be deemed new buildings.

22. 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 an 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 an open space between walls or buildings;

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

Fencing lands adjoining streets.

23. 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 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 shall be recoverable from such owner or occupier summarily as a civil debt.

Trees or shrubs overhanging streets.

24. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with vehicular traffic or with the light from any public lamp or to interfere with the

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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 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.

Forecourts to be fenced off from streets.

25. Whenever any person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Council be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Deposit of building materials or excavations not to be made in street without consent.

26. It shall not be lawful for any person without the consent of the Council in writing first obtained (which consent shall not be unreasonably withheld) to lay any building materials rubbish or other thing or make any excavation on or in any street open for traffic 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 material 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 as a civil debt.

Provision for preventing formation of culs-de-sacs.

27. 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 and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Elevation of buildings erected on front lands to be subject to approval of Council.

28. All buildings or parts of buildings which may in future be erected on the site of any building or 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 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 one month 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 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 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.

Further by-laws as to buildings.

29. The Council may make byelaws with respect to the following matters:—

(1) The materials with which new buildings shall be constructed:

(2) For providing in new buildings containing separate sets of chambers or offices or rooms constructed or adapted to be tenanted by different families or occupiers that the floors and staircases shall be of fire-resisting materials.

Means of escape from buildings in case of fire.

30. Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel hydropathic establishment boarding-house or school shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have

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issued a certificate that the provisions of this section have been complied with in relation thereto.

Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

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.

Temporary and movable buildings.

31.—(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 one month after the delivery of the plans 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 arrangement 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 plans sections and specification or after the disapproval of the Council or before the expiration of one month 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 not exceeding the like 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 ; and

(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.

Power to sell materials of temporary buildings.

32. 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 building.

Separate sewers.

33. 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

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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.

Council may require enlarged sewer.

34. If in any new 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 drainage of such new street the person laying out such new 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.

Exemption of buildings of railway companies.

35. Nothing in this Act or in 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 connexion with their railway.

Part IV.

Sanitary Provisions.

Power to require waterclosets to new buildings.

36.—(1) The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such new building shall be provided with proper and sufficient waterclosets.

(2) On the erection of any new building the Council may when a sewer and water supply sufficient for a watercloset are not reasonably available by written notice require one or more proper and sufficient earth-closets to be provided at or in connexion 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 closet accommodation into watercloset.

37.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset 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 connexion 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 have not been certified by the medical officer of health to be insufficient for the necessities of the inhabitants of the building or to be in such 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 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 expense.

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

Appeal under two last preceding sections.

38.—(1) Where any person deems himself aggrieved by any requirements of the Council under 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 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

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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 for 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.

Work done on two or more properties.

39. 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 owners shall be paid by and may be recovered from the owners of such buildings in such proportions as shall be determined by the surveyor.

Owners to permit application of test to drains.

40. Whenever the medical officer of health surveyor or inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke or coloured water or other similar test as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such tests to be made or to give all reasonable facilities for making such tests shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective the owner of the premises shall be bound subject to the terms of any lease or other contract on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where

the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts Provided that nothing in this section shall authorise the use of a test by means of water under pressure.

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

41. 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.

Reconstruction of drains.

42. 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.

Improper construction or repair of watercloset or drain.

43. 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 penalty 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 and waterclosets.

44. Any person who shall cause any drain waterclóset earth closet privy ashpit or dustbin 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 shall be liable to a penalty not exceeding five

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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 order houses to be drained by a combined operation.

45. 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 of 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 of 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 such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners or occupiers in a summary manner before a court of summary jurisdiction Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer 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.

Inspection of drains &c.

46.—(1) On complaint made on oath by the surveyor medical officer of health or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such surveyor medical officer of health or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the surveyor medical officer of health or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours' notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink rain water cistern trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of

emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer of health or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer of health or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(2) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water supply sink rain water cistern trap syphon pipe or other work and apparatus the Council shall cause any of such works or apparatus which they may have taken up or disturbed to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(3) If upon such inspection any drain sanitary convenience or cesspool water supply sink rain water cistern trap syphon pipe or other work or apparatus is found to be in such a state as to cause a nuisance the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to abate the nuisance and if such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(4) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

47. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Byelaws as to closet accommodation.

48. The Council may make byelaws with respect to waterclosets and may by means of such byelaws prescribe

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the description nature size materials position and level thereof and of the apparatus and the manner of flushing the same and the means to be provided for protection of the same from frost.

Enlarging definition of nuisances.

49. For the purposes of the Public Health Acts—

(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 stack pipe or down spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building;

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

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

Provision as to filling up cesspools.

50. If it shall appear to the Council by the report of the medical officer of health 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 ashpit or any well disused well or underground cistern 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 ashpit well or cistern to be filled up or removed and any drain communicating with such cesspool or receptacle to be effectually disconnected destroyed and taken away or to cause such cesspool receptacle ashpit well or cistern to be so altered as to remove any such objection as aforesaid 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.

Council may take proceedings for preventing obstructions in watercourses.

51. The Council may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourse or outfall for water within the district or for the removal of any obstruction from any watercourse or outfall for water within the district.

Charge for emptying privies of trade refuse.

52. If any trade refuse materials or rubbish of a like description be deposited in any privy cesspool ashpit or dust-bin the Council may make a reasonable charge for the removal of the same 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 as a civil debt.

Cleansing of cisterns.

53. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles used for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

Provision as to houses without proper water supply.

54. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Regulation dustbins and ashpits.

55. The Council may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron dust-bins in lieu of ashpits and such bins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given him to comply with the requirements of the Council shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any dust-bins or ashpits in use at the commencement of this Act so long as the same are of suitable size and in proper order and condition.

Public conveniences and lavatories.

56. The powers of the Council under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences and lavatories in or under any street repairable by the inhabitants at large for the use of the public and to employ and

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pay attendants and to make reasonable charges for the use of any such sanitary conveniences (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Part V.

Milk Supply.

Penalty for selling milk of diseased cows.

57.—(1) 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.

(2) 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 dairy 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.

(3) 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 of health 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 subsection shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

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

(*b*) The like powers in all respects may be exercised outside the district by the medical officer of health 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.

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Power to inspect cows and to take samples of milk.

(5)—(*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 of health or any person provided with and if required exhibiting the authority in writing of the medical officer of health 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 of health 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 of health 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 of health 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 subsection may in all respects be exercised in the case of such dairy provided that the medical officer of health 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 of health or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer of health person or veterinary surgeon for all or any of the purposes of this subsection and any person refusing such assistance or obstructing such medical officer of health person or veterinary surgeon in carrying out the purposes of this subsection shall be liable to a penalty not exceeding five pounds.

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(*e*) If in their opinion the dairyman fails to show cause why such an order may 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 of health 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 subsection.

(*i*) The dairyman may appeal against an order of the Council under this subsection 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 and Fisheries 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 and Fisheries 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 and Fisheries in the matter of the appeal.

The court or the Board of Agriculture and Fisheries 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 and Fisheries 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.

(6) If an order is made without due cause or if the Council unreasonably refuse to withdraw the order the dairyman shall if

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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 Board of Agriculture and Fisheries may determine and state whether the 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 and Fisheries 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.

(7) Offences under this section 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.

(8) All expenses incurred by the Council in carrying into execution the provisions of this section 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.

(9) This section 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.

Notice of provisions of this section of Act.

(10) The Council shall cause to be given public notice of the effect of the provisions of this section by advertisement in accordance with the section of this Act the marginal note of which is "Public notice to be given of provisions of this part of Act" and this section 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.

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Part VI.

Infectious Disease.

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

58. If the medical officer of health 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 whom he has within such six weeks supplied milk within the district and the Council shall pay to him for every 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.

Dairymen to notify infectious disease existing among their servants.

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

Prohibition to infected person carrying on business.

60. 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.

Compensation to dairymen.

61. 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.

Compensation to persons ceasing employment.

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

Protection against infection of books in lending libraries.

63. No person shall return to any 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 medical officer of health or to 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.

Byelaws regulating hospitals.

64. 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.

Filthy and dangerous articles to be purified.

65.—(1) Where on the certificate of the medical officer of health 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 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 unnecessary damage the Council shall compensate him for the same and the Council shall also reasonably compensate the owner for any articles destroyed.

Council may pay expenses of persons in hospital.

66. 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.

Council may provide nurses.

67. The Council may provide or contract with any person or persons to provide nurses for attendance upon any persons suffering from any infectious disease within the district and may

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charge a reasonable sum for the services of any nurse provided by them.

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

68. When any person suffering from infectious disease whereof notice shall have been given to the medical officer of health shall die in the district of such disease the medical officer of health 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 purpose) unless and until the medical officer of health 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.

Power to medical officer to examine school children.

69. The medical officer of health 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 of health 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 of health 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 aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

Principal of school to furnish list of pupils in certain cases.

70. Whenever any scholar who attends any school within the district shall be known to 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 on becoming aware of the fact send notice thereof to the medical officer of health and shall furnish to the Council at their request a list of the pupils 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 pupils named therein.

Child suffering from infectious disease not to attend school.

71. No person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer of health that the child is not to be sent to school permit such child to attend school without having procured from the medical officer of health 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.

Cleansing of infected house and removal of persons therefrom.

72.—(1) Where it appears to the Council upon the certificate of the medical officer of health 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 of health 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

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(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) 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.

(5) 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.

For the purposes of this section the word "house" includes any tent or van or any vessel lying in any river harbour or other water or ex adverso of any place within the district.

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

Themselves build such 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 or general district rate.

For regulating manufacture and sale of ice cream.

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

(*a*) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(*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 of health;

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

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

74. Public notice of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two local newspapers circulating in the district and by a notice affixed outside the offices of the Council and by handbills or such further means as the Council deem reasonable for conveying notice of the provisions of this part of this Act to persons affected or likely to be affected thereby A copy of any newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Part VII.

Advertising Vehicles and Sky Signs.

Restrictions on advertising hoardings.

75.—(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 any hoarding or similar structure to be used either wholly or partly for advertising purposes in or abutting on or adjoining

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any street to a greater height than twelve feet above the level of such 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 dimensions and maintenance of such hoarding as the Council may determine.

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

(4) Any person who acts in contravention of this section or of the terms and conditions (if any) of such consent 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.

(6) Any person aggrieved by the refusal of the Council to grant such consent or by the 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' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as a civil debt.

Restriction on advertising vehicles.

76. 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 who acts in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Any person aggrieved by the refusal of the Council to grant such consent or by the terms and conditions imposed may appeal to a court of summary jurisdiction held for the district after the expiration of two clear days after the decision of the Council is notified to him 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 to them may seem fit and to award costs such costs to be recoverable summarily as a civil debt. A.D. 1904.

Sky signs.

77.—(1) It shall not be lawful to erect or fix to upon or in connexion 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 consequences 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.

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Part VIII.

Police and Street Traffic.

Recreation grounds and unfenced ground to be streets for certain purposes.

78. The recreation grounds within the district and any unfenced ground adjoining or abutting on any street shall be deemed streets for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that 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 wantonly discharges any fire-arm 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 night-soil or any carrion fish offal or rubbish on any street.

Street traffic.

79. 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 of not more than forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Power to license persons following certain callings.

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

Fire Brigade.

Regulation of traffic at fires.

81. 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.

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

82. Any police constable acting under the orders of his superintendent or inspector 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 buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he 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

83. 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

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control of operations.

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 fires 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.

Firemen's cottages.

84. 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.

85. The Council and the local authority of any borough urban or rural 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 mutual assistance in case of fire.

Part X.

Public Vehicles.

Powers of inspectors of public vehicles.

86. Any person appointed by the Council in writing may examine all hackney carriages and other public vehicles plying for hire within the district and may 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.

Public vehicles taken at railway stations.

87. 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 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.

Part XI.

Local Rates.

Form of rate note and recovery of poor general district and other rates.

88. The Local Government Board may on the application of the Council prescribe amend and vary a form of rate to include the poor rate general district rate or other rates leviable by the Council or by the overseers of the parish of Birkdale and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents and any form so prescribed shall be sufficient in law.

Assistants to overseers.

89. The Council may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Birkdale in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Council and paid out of the poor rate and other local rates and funds in such proportion as the Council shall determine.

Part XII.

Financial Provisions.

Power to borrow.

90.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :—

For paying the taxed costs charges and expenses of this Act and the taxed costs occasioned by the opposition of the Council to the application of the mayor aldermen and burgesses of the borough of Southport for an extension of the boundaries of that borough the sums requisite for those purposes ;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenues of any of their undertakings in connexion with which the moneys are borrowed and the district fund and general district rate.

Mode of raising money.

91. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to

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the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

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

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

Provisions of Public Health Act as to mortgages to apply.

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

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

Periods for payment off of money borrowed.

94. 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 period") following (that is to say) :—

As to moneys borrowed for the purpose of paying the costs referred to in the section of this Act the marginal note whereof is "Power to borrow" within five years from the passing of this Act ;

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

Mode of payment off of money borrowed.

95. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

Regulations as to sinking fund.

96. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual

sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security under this Act and repayable by a sinking fund within the prescribed period:

The rate of accumulation on which the amounts paid to the sinking fund are based is herein-after referred to as "the prescribed rate":

Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities the Council being at liberty from time to time to vary and transpose such investments Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund;

(B) The Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment whereof the sinking fund was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund

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taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Return respecting sinking fund to Local Government Board.

97.—(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.

Power to re-borrow.

98. The Council may except as herein-after provided re-borrow for the purpose of paying off any moneys borrowed or re-borrowed 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 re-borrowing and which at the time of the repayment it was intended to re-borrow Provided that the Council shall not have power to re-borrow 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 re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Council not to regard trusts.

99. The Council shall not be bound to see to the execution of any trust whether expressed or 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 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.

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Protection of lender from inquiry.

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

Saving for existing charges.

101. Nothing in this Act shall prejudicially affect any charge on the revenue funds and rates or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue funds rates estates and property subject to his charge as if this Act had not passed.

Application of borrowed moneys.

102. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application of moneys arising from sale of lands.

103. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Expenses of execution of Act.

104. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Part XIII.

Miscellaneous.

Power to grant gratuities and pensions in certain cases.

105.—(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 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. A.D. 1904.

(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.

General provisions as to byelaws.

106. The provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act Provided that the Secretary of State shall be the confirming authority for byelaws made under the section of this Act the marginal note whereof is "Byelaws as to promenades."

Power to appropriate lands.

107. The Council may appropriate and use with the approval of the Local Government Board and subject to such conditions as the Board may think fit to impose for any of the purposes of this Act or for any of the purposes of the Public Health Acts any lands or property for the time being vested in them which are not wanted for the purpose for which such lands and property were originally acquired but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands.

In executing works for owner Council to be indemnified against damages in absence of negligence.

108. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute do or alter any work act or thing in default of an owner or occupier and in the absence of misconduct or negligence on the part of the Council or of 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 doing or altering of such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Inquiries by Local Government Board.

109.—(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 upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Authentication and service of notices.

110.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district 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 that in the case of any company any such notice demand 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.

Compensation how to be determined.

111. 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 by the Public Health Act 1875.

Appeal.

112. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or 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 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.

Saving for indictments.

113. 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 no person shall be punished more than once for the same offence.

Recovery of penalties.

114. Save as otherwise 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 or under any local Act or Order or byelaw made thereunder 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.

Informations &c. by whom to be laid.

115. Save as otherwise 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 any local Act or Order or byelaw 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.

Penalties to be paid over to treasurer.

116. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Council be paid to the treasurer of the Council and be by him carried to the credit of the district fund.

Judges not disqualified.

117. 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 a member of the Council or liable to any rate.

Evidence of appointments.

118. 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 of the Council 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.

Crown rights.

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

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Costs of Act.

120. 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 complying with the provisions of the Borough Funds Acts 1872 and 1903 shall be taxed by the taxing officer of the House of Lords or the House of Commons and those costs and also the costs occasioned by the opposition of the Council to the application of the mayor aldermen and burgesses of the borough of Southport for an extension of the boundaries of that borough as taxed by the clerk of the peace for the county of Lancaster shall be paid by the Council primarily out of the general district rate but ultimately out of the moneys to be borrowed under the authority of this Act.

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