CHAPTER 1.

An Act to empower the Caerphilly Urban District Council to construct street works to confer further powers on the Council with respect to their omnibus water and electricity undertakings and the health good government and finances of their district and for other purposes. A.D. 1928.

[2nd July 1928.]

WHEREAS the district of Caerphilly in the county of Glamorgan (hereinafter referred to as "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Caerphilly (hereinafter referred to as "the Council"):

And whereas it is expedient that the Council be authorised to make and maintain the street works by this Act authorised and to acquire lands for the purposes thereof and for other purposes as by this Act provided:

And whereas by the Caerphilly Urban District Council Act 1917 (hereinafter referred to as "the Act of 1917") as amended by the Caerphilly Order 1921 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 6) Act 1921) the Council were empowered to provide maintain and run omnibuses on certain routes within the district and on a route within the adjoining urban district of Bedwas and Machen and it is expedient to confer further powers on the Council and to enact further provision with reference to their omnibus undertaking as by this Act provided:

[*Price* 3*s. Net.*]

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And whereas in the pursuance of the provisions of section 25 of the Pontypridd and Rhondda Water Act 1913 the Council have acquired the portion of the undertaking of the Pontypridd and Rhondda Water Board within the Taffs Well Ward of the district (except the pipes and apparatus necessary for the supply by the said board of water to places not within the district) and are distributing water within the said Taffs Well Ward and it is expedient to confer further powers on the Council and to enact further provision with reference to their water undertaking as by this Act provided:

And whereas under the powers of the Caerphilly Electricity Special Order 1922 the Council are supplying electricity within the part of the district defined in the First Schedule to that Order and it is expedient to confer further powers on the Council and to enact further provisions with reference to their electricity undertaking as by this Act provided:

And whereas it is expedient that further and better provision be made with reference to sanitary matters in and the good government and health of the district and with respect to the finances of the Council and that the other provisions of this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of lands for the street works by this Act authorised - -	5,590
For the construction of the street works by this Act authorised - -	3,350
For the provision and equipment of omnibuses - - - - - - -	12,000
For the purchase of lands and the erection of buildings for the purpose of the omnibus undertaking - -	3,800

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Glamorgan and are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 Caerphilly Urban District Council Act 1928.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Street works.
Part III.—Lands.
Part IV.—Omnibuses.
Part V.—Water supply.
Part VI.—Electricity.
Part VII.—Streets buildings sewers and drains.
Part VIII.—Sanitary provisions and infectious disease.
Part IX.—Financial.
Part X.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as applicable for the purposes and not inconsistent with the provisions of this Act) are hereby incorporated with this Act (that is to say) :—

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands :

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Provided that the bond required by section 85 of the said Act of 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section;

(2) The Waterworks Clauses Act 1847 except the words "with the consent in writing of the "owner or reputed owner of any such house or "of the agent of such owner" in section 44 and except sections 75 to 83 of that Act;

(3) The Waterworks Clauses Act 1863.

Interpretation.

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

"The Act of 1917" means the Caerphilly Urban District Council Act 1917;

"The Order of 1921" means the Caerphilly Order 1921 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 6) Act 1921;

"The district" "the Council" "statutory security" "statutory borrowing power" and "revenues of the Council" have the same respective meanings as in the Act of 1917;

"Omnibus" means any stage carriage moved by animal power or by mechanical power obtained from some internal source including in that expression steam electrical and every other motive power not being animal power;

"The omnibus undertaking" "the water undertaking" and "the electricity undertaking" respectively mean the omnibus undertaking the water undertaking and the electricity undertaking of the Council as from time to time authorised;

"The water limits" means the limits within which the Council are authorised to distribute water namely the Taffs Well Ward of the district;

"The electricity limits" means the limits within which the Council are authorised to supply electricity namely the portion of the district

described in the First Schedule to the Caerphilly Electricity Special Order 1922;

"The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

"The street works" means the works authorised by the section of this Act of which the marginal note is "Power to make street works";

"The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

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

"The clerk" "the accountant" "the medical officer" "the surveyor" and "the sanitary inspector" respectively mean the clerk the accountant the medical officer of health the surveyor and any sanitary inspector appointed by the Council in pursuance of the powers of any public Act and where used in the Act of 1917 or this Act shall respectively include any person duly appointed by the Council to discharge temporarily the duties of any such office;

"Road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

"The general rate" and "the general rate fund" mean the general rate and the general rate fund of the district Provided that until the coming into force within the district of the first new valuation lists made under the Rating and Valuation Act 1925 the said expressions shall

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

"The Minister" where used in Part IV (Omnibuses) and Part VI (Electricity) of this Act means the Minister of Transport and elsewhere means the Minister of Health;

"Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878.

PART II.

STREET WORKS.

Power to make street works.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street widenings and improvements and other works hereinafter described together with all necessary works approaches embankments retaining walls and conveniences connected therewith or incident thereto The street works hereinbefore referred to will be situate wholly in the district and are—

At Caerphilly—

Work No. 1 A widening and improvement of Castle Street (including the bridge over Gledyr Brook) on its eastern side between the premises respectively known as No. 68 Castle Street and No. 66 Castle Street;

Work No. 2 A widening and improvement of Bedwas Road on its south-eastern side and of Castle Street on its eastern side between the premises known as No. 48 Castle Street and the north-eastern side of Fellmongers Yard Bedwas Road;

Work No. 3 A widening and improvement of Castle Street on its north-eastern side from Tonyfelin Road for a distance of thirty-three yards southwards therefrom;

Work No. 4 A widening and improvement of Mill Road on its south-western side between the passageway on the south-east side of the

premises known as No. 11 Mill Road and the entrance to the yard of Piccadilly Hotel;

Work No. 5 A widening and improvement of Tonyfelin Road on its northern side and Bedwas Road on its north-eastern side between the western boundary of the premises known as No. 34 Tonyfelin Road and the side street on the north-eastern side of Tonyfelin Welsh Baptist Chapel:

At Nelson—

Work No. 6 A widening and improvement of Commercial Street on its north-eastern side between the Square and the passage way to the yard of Nelson Inn:

Provided that the Council shall not enter upon the construction of any work by this section authorised unless and until the consent of the Minister of Health to such construction has been obtained.

Temporary stoppage of streets.

6.—(1) The Council during and for the purpose of the execution of the street works may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the street.

(2) The Council shall provide reasonable access for foot passengers bonâ fide going to or from any such house.

Carriageway footway sewers and other works.

7. Subject to the provisions of this Act the Council may—

(*a*) cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper;

(*b*) lay out enclose and maintain as gardens or open spaces any lands for the time being belonging to them adjacent to any of the street works; and

(*c*) upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

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Limits of deviation for street works.

8. In constructing the street works the Council may deviate to any extent within the limits of deviation shown on the deposited plans and they may deviate from the levels thereof as shown on the deposited sections to any extent not exceeding three feet.

Power to make subsidiary works.

9. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Part of this Act may execute or do any of the following works or things (namely) :—

(1) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works or otherwise;

(2) Execute any works for the protection of any adjoining land or buildings;

(3) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings culverts or bridges; and

(4) Raise lower alter divert stop up or otherwise interfere with any drain sewer channel or gas or water main or pipe or electrical wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electric telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

Power to alter steps areas pipes &c.

10. Within the limits of deviation shown on the deposited plans the Council may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case

of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

As to telegraphic lines of Postmaster General.

11. Notwithstanding anything in this Part of this Act the Council shall not raise lower alter divert or otherwise interfere with any telegraphic line of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

As to works of electric undertakers.

12. Nothing in this Part of this Act shall extend to or authorise any interference with any works of any authorised undertakers as defined in the Electricity (Supply) Act 1919 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

Land laid into streets to form part thereof.

13. All lands acquired by the Council under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

For protection of Rhymney and Aber Gas Company.

14. For the protection of the Rhymney and Aber Gas Company (in this section called "the company") the following provisions shall (notwithstanding anything in this Act and unless otherwise agreed between the Council and the company) apply and have effect (that is to say) :—

(1) If by reason of any works to be executed by the Council in pursuance of the provisions of sections 5 8 and 9 of this Act it may be necessary to alter the position or otherwise interfere with any of the mains pipes or other apparatus belonging to the company such alterations or other necessary work shall if the company so desire be executed by the company at the reasonable expense of the Council and in that case the company shall within seven days of receiving notice from the Council of their intention to execute any such alterations or other necessary work give notice of the intention themselves to execute such alterations or other necessary work and shall commence and complete the same with all reasonable dispatch and in default of so doing the Council may carry out such alterations or other necessary work :

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(2) The cost of providing and laying down any new mains pipes or other apparatus necessary or proper for continuing the supply of gas as sufficiently as the same was supplied by any mains pipes or other apparatus which it is necessary to discard shall be borne by the Council and shall on demand be repaid to the company by the Council any mains pipes or other apparatus so discarded under this section to be the property of the Council:

(3) Any difference which may arise between the Council and the company under this section shall be determined by arbitration in manner provided by the Arbitration Act 1889.

PART III.

LANDS.

Power to acquire lands for street works &c.

15. Subject to the provisions of this Act the Council may enter upon take and use for the street works and for the providing of space for the erection of buildings adjoining or near to the street works all or any of the lands delineated on the deposited plans and described in the deposited book of reference relating to those works respectively.

Period for compulsory purchase of lands.

16. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-two.

Correction of errors in deposited plans and book of reference.

17. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Glamorgan for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall

be deposited with the clerk of the peace for the county of Glamorgan and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Power to enter upon property for survey and valuation.

18. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Benefits to be set off against compensation.

19. In estimating the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation in case of recently acquired interest.

20. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November nineteen hundred and twenty-seven if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably

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necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Proceeds of sale of surplus lands.

21. The Council shall apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister.

Power to retain sell &c. lands.

22.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the

Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed. A.D. 1928.

Owners may be required to sell parts only of certain lands and buildings.

23. And whereas in the construction of the street works or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of this Act or each or any of them are hereinafter included in the term " the owner " and the said properties are hereinafter collectively referred to as " the scheduled properties " and separately as " the scheduled property " :

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

(3) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the

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remainder thereof without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder thereof without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder thereof without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder thereof without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder thereof without material detriment thereto but that any such other portion as aforesaid can be

severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Persons under disability may grant easements &c.

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Removal of human remains.

25.—(1) If and when the Council shall acquire such part of the burial ground attached to the Tonyfelin Welsh Baptist Chapel as is necessary for the purposes of street Work No. 5 by this Act authorised they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in such part of the burial ground as aforesaid.

(2) Before proceeding to remove any such remains the Council shall publish a notice in three successive issues of two local newspapers circulating in the county

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of Glamorgan to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in such part of the said burial ground may give notice to the Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in a burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the county court having jurisdiction in the district who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Council such sums to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Council in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section the Council may remove the remains of the deceased person and cause them to be re-interred in a burial ground or cemetery in which burials may legally take place and which the Council think suitable for the purpose.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Council be removed and re-erected at the place of re-interment of such remains or at such place as the registrar of the said county court may direct on the application (if any) of

such heir executor administrator or relative as aforesaid or failing such application on the application of the Council and the Council shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument or tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

Part IV.

Omnibuses.

Power to provide and run omnibuses.

26.—(1) Subject to the provisions of this Part of this Act the Council may in addition to and without prejudice to the exercise of their powers under paragraphs (*a*) and (*b*) of subsection (1) of section 4 (Power to provide and run omnibuses) of the Act of 1917 as amended by article 2 of the Order of 1921 provide and maintain (but shall not manufacture) and may run omnibuses—

(i) within the district; and

(ii) with the consent of the Minister and of the local authority (*a*) along the main road leading from the boundary of the district at Tongwynlais via Whitchurch in the rural district of Cardiff to the boundary of the city of Cardiff and along any road in the city of Cardiff and (*b*) along the main road from Trethomas in the urban district of Bedwas and Machen via Machen Upper in the said urban district and Bassaleg in the rural district of St. Mellons to the boundary of the county borough of Newport and along any road in the county borough of Newport:

Provided that—

(*a*) The Council shall not exercise their powers of running omnibuses under paragraph (ii) of this subsection except as a joint service in pursuance of an agreement made between the Council on the one hand and the lord mayor aldermen and citizens of the city of Cardiff

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or the mayor aldermen and burgesses of the county borough of Newport (as the case may be) on the other hand whereby the said lord mayor aldermen and citizens or the said mayor aldermen and burgesses (as the case may be) shall undertake to provide not less than one-half of the capital expenditure and to bear not less than one-half of any annual losses which may be incurred in running the said joint service;

(*b*) The consent of the Cardiff Rural District Council to the running of omnibuses along so much of the said road from Tongwynlais to Cardiff as is situate in the rural district of Cardiff and the consent of the St. Mellons Rural District Council to the running of omnibuses along so much of the said road from Trethomas to Newport as is situate in the rural district of St. Mellons shall not be unreasonably withheld;

(*c*) As regards so much of the said road from Tongwynlais to Cardiff as is situate in the rural district of Cardiff the services and number of omnibuses which the Council may run and the stations and places from and at which such omnibuses shall start or stop for the purposes of taking up or setting down passengers and the fares and charges which the Council may demand for the carriage of passengers and parcels shall be such as may be reasonably approved by the Cardiff Rural District Council;

(*d*) Any question whether or not the consent or approval referred to in provisoes (*b*) and (*c*) of this subsection has been unreasonably withheld shall be determined by the Minister; and

(*e*) Except as regards the running of omnibuses along so much of the said roads as is mentioned in proviso (*b*) of this subsection the consent of the local authority may be given under this subsection on and subject to such terms and conditions as such local authority may think fit to impose.

(2) In the case of any application under the provisions of this section for the consent of the Minister the Council shall give notice in writing of their proposals to the road authority (where they are not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person the Minister may direct an inquiry to be held.

(3) The provisions of subsections (2) (4) (5) and (6) of section 4 (Power to provide and run omnibuses) of the Act of 1917 shall extend and apply to any omnibuses provided by the Council under the provisions of this section.

(4) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Council provided under this section and under the Act of 1917 as amended by the Order of 1921 as if they were carriages used on tramways.

(5) The Council may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Council in connection therewith.

Adaptation of roads.

27.—(1) (*a*) Before the Council commence to run omnibuses under the powers of this Part of this Act over any road or part of a road it shall be determined by agreement between the Council and the road authority (where it is not the Council) or failing agreement by the Minister whether it is necessary (in order to provide for the running under the powers of this Part of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Council to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

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(*b*) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (*a*) of this subsection have been so agreed or determined the Council shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.

(*c*) If the Council give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Council are to make any payment to the road authority under the provisions of paragraph (*a*) of this subsection the Council shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Council as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work Provided that the aggregate amount to be so paid by the Council shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(*d*) Notwithstanding anything in this subsection the Council shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Council shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(*e*) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (*c*) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(*f*) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such

bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge the district council shall be deemed to be the road authority. A.D. 1928.

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections of the Local Government Act 1888.

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Council in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Council.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

Section 11 of Act of 1917 to apply.

28. Section 11 (Shelters or waiting rooms) of the Act of 1917 shall so far as applicable extend and apply to any omnibuses or omnibus routes provided by the Council under this Part of this Act as if re-enacted herein.

Fares and charges.

29.—(1) Subject to the provisions of this section the Council may demand and take for passengers and parcels carried on the omnibuses of the Council provided under this Part of this Act and under the Act of 1917 as amended by the Order of 1921 fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister.

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Any application for a revision of such maximum fares or charges may be made by the Council or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Council or by any of the parties on whose representation the inquiry is held or partly by the Council and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

(3) The Council may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such persons and in such manner as the Council may by notice annexed to the list of fares and charges appoint.

Working and other agreements.

30.—(1) The Council and any local authority or board having power to run omnibuses in any city borough or urban or rural district mentioned in the section of this Act of which the marginal note is "Power to provide and run omnibuses" or in any city borough or urban or rural district adjacent to any city borough or urban or rural district in which any route along which the Council are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which

the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

(2) The Council and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the district or on any route over which the Council are for the time being empowered to run omnibuses.

(3) The Council and any such local authority board company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(*a*) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(*b*) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(*c*) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(*d*) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Council shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibuses omnibus service lands depôts buildings sheds or property outside the district otherwise than with the consent of the local authority of the district within which such omnibuses omnibus service lands depôts buildings sheds or property are situate or are provided which consent may be given on and subject to such terms and conditions as the local authority may think fit to impose.

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Cloak-rooms &c.

31. The Council may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with the omnibus undertaking and at suitable places on any of their omnibus routes and the Council may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles or other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Council may appoint stopping and starting places.

32. The Council may appoint the stations and places from which the omnibuses of the Council shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such omnibuses shall be allowed to remain at any such place but any such appointment or fixing of time shall be subject to the consent of the local authority of the district within which that station or place is appointed.

Lost property.

33. Any property found in any omnibus of the Council or in any shelter or waiting room in connection with the omnibuses of the Council shall forthwith be taken to a place to be appointed for the purpose by the Council and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the omnibus undertaking of the Council.

As to bye-laws under Part IV of Act.

34. All byelaws made by the Council under the provisions of this Part of this Act shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

As to cesser of powers.

35.—(1) The powers of running omnibuses under the provisions of this Part of this Act on any road or part of a road outside the district may at the expiration of ten years from the date on which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the Minister may determine.

(2) Before issuing an order to determine the said powers the Minister shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

Provision if certain powers not exercised within prescribed time.

36. If the Council do not within a period of three years from the giving of the consent of the Minister to the running by the Council of omnibuses on any route outside the district provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Council by order declare that unless a service of omnibuses be provided within such period as the Minister may by such order prescribe the powers of the Council under this Part of this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Council under this Part of this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

Provided that this section shall not apply or have effect if the failure of the Council to provide a service of omnibuses on any route is due to strikes unforeseen accident or circumstances beyond the control of the Council.

For protection of railway and canal companies.

37. Nothing in this Part of this Act shall impose any obligation upon any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them or enlarge any existing obligation.

For protection of certain railway companies.

38. The Council shall not under the powers of the sections of this Part of this Act of which the marginal notes respectively are " Cloakrooms &c." and " Council may appoint stopping and starting places " (except with the consent in writing of the Great Western Railway Company or the London Midland and Scottish Railway Company under the hand of their secretary or general manager) erect maintain or provide any cloakroom room or shed or appoint any starting or stopping station or place so as to cause interference with or render less

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convenient the access to or exit from any station depôt or property belonging to either such railway company nor without the like consent shall any such cloakroom room or shed be erected maintained or provided on any bridge carrying any street or road over the railways of either such railway company or on the approaches to any such bridge.

Power to reserve omnibuses for special purposes.

39.—(1) Notwithstanding anything in this or any other Act to the contrary the Council may on any occasion run and reserve omnibuses on any route on which the Council are for the time being authorised to run omnibuses for any special purpose which the Council may consider necessary or desirable Provided that such special omnibuses shall be distinguished from other omnibuses in such manner as the Council may direct and that during the running of such special omnibuses the Council shall maintain a reasonably sufficient ordinary service of omnibuses.

(2) The Council may make byelaws and regulations for prohibiting the use of any such omnibuses by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act as to fares or charges for passengers shall not extend to any omnibuses run for such special services as aforesaid and in respect thereof the Council may demand and take such fares rates or charges as they shall think fit.

Through omnibuses.

40. The Council may run through omnibuses along any route upon which they are authorised to run omnibuses or any specified portion of any such route and such omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Council and they may demand and take for every passenger by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibus Provided that during the running of such through omnibuses the Council shall maintain a reasonably sufficient ordinary service of omnibuses.

Attachment of signs indicating stopping

41.—(1) The Council may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of their omnibus routes

signs or directions indicating the position of stopping places for omnibuses Provided that where the Council are not the owners of such lamp-post pole standard or similar erection they shall give to the owner thereof notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Council shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. Power to attach signs or directions to lamp-posts &c.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Council shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing or belonging to any local authority or railway company except with the consent of the authority or railway company in writing but such consent of a railway company shall not be unreasonably withheld.

42. If any person wilfully and unlawfully does or causes to be done with respect to any omnibus of the Council anything which is calculated to obstruct or interfere with the working thereof or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

43. The Council shall in every year within three months after the closing of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the omnibus undertaking. Accounts to be sent to Minister of Transport.

44. Notwithstanding anything contained in this Act the Council shall not without the consent under the seal of the Merthyr Electric Traction and Lighting Company Limited run motor omnibuses along any street or road in which any light railway of or leased to the said company is situated or along any other street or road in competition with any such light railway. For protection of Merthyr Electric Traction and Lighting Company Limited.

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PART V.

WATER SUPPLY.

Application of provisions to water limits.

45. The provisions of this Part of this Act shall unless otherwise provided apply only to the water limits as defined in this Act.

Payment of water rates.

46. The Council may demand water rates rents and charges by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

Discount for prompt payment of water rates.

47. The Council may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers Provided also that if and so long as the Council allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

Supply by measure.

48. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Rates payable by owners in certain cases.

49.—(1) Where water is supplied by the Council to any house to which this section applies the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than

the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The houses to which this section applies are :—

(*a*) If a resolution under subsection (1) of section 11 of the Rating and Valuation Act 1925 is in force in the water limits any house to which such resolution applies ; and

(*b*) If such a resolution is not in force in the water limits any house let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of section 72 of the Waterworks Clauses Act 1847.

Supply of water to houses partly used for trade &c.

50.—(1) The Council shall not be bound to supply with water otherwise than by measure (*a*) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (*b*) any workhouse public institution hospital (whether public or private) asylum (whether public or private) sanatorium club hotel assembly hall restaurant public-house or inn or (*c*) any boarding house capable of accommodating twenty or more persons including the persons usually resident therein or (*d*) any school not maintained by the local education authority.

(2) The minimum charge for a supply of water by measure to any of the premises in this section mentioned shall in each quarter of the year be one-fourth of the annual amount which would be payable for a domestic supply furnished to a dwelling-house of the same gross value.

Byelaws for preventing waste &c. of water.

51.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this Act referrred to as "water fittings") to be used and forbid any arrangements and

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the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) Such byelaws shall not apply to any water fittings used on the premises of any railway company other than premises to which the Council are bound under the Waterworks Clauses Act 1847 to afford a constant supply.

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council from the person on whose credit the water is supplied as the water rates in respect of the premises are recoverable.

Power to sell meters.

52. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Council of connecting or disconnecting meters.

53. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for any such offence be liable to a penalty not exceeding forty shillings.

Notice to discontinue supply of water.

54. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

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Injuring meters &c.

55.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to supply water fittings.

56.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required

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or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removeable by the Council Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows :—

(*a*) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(*b*) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in the demand note;

(*c*) The total sum expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

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Penalty for closing valves and apparatus.

57. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for interfering with valves &c.

58. Any person being the owner or occupier of any house building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Meters in streets to measure water or detect waste.

59.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

(2) Provided that the Council shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that the Council shall not without the previous consent of a railway company exercise the powers of this section in respect of any street road land

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footway court or passage which is the property of or maintained by such railway company but such consent shall not be unreasonably withheld.

Separate communication pipes may be required.

60.—(1) The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

(2) If the owner of any house supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Council to connect communication pipes with mains.

61. Notwithstanding anything contained in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Power to Council to repair communication pipes.

62.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable

by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Provided that except in emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and where the communication pipe is repairable by the owner of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Maintenance of common pipe.

63. When several houses or parts of houses in the occupation of several persons are supplied by the Council with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Opening of ground by person liable to maintain pipes &c.

64.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made.

Power to remove meters and fittings.

65. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the surveyor or some other officer of the Council to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or

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fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Extension of power to inspect premises.

66. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Council may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

PART VI.

ELECTRICITY.

Application of provisions to electricity limits.

67. The provisions of this Part of this Act shall unless otherwise provided apply only to the electricity limits as defined in this Act.

As to maximum power which may be demanded.

68.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless the consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for his premises The sum to be so paid shall be determined (in default of agreement) by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

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Discounts for prompt payments.

69. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on all sums of money due to the Council for the supply of electricity from any person who pays the same within such time after the demand thereof as the Council think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Council shall allow such discount) be endorsed on every demand note in respect of such charges Provided that the Council shall make the same allowance to all consumers under similar conditions.

Council may refuse to supply electricity in certain cases.

70. The Council may refuse to supply electricity to any person whose payments for the supply of electricity or meter rent in respect of the supply thereof are for the time being in arrear whether any such payments be due to the Council in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Sale of electrical apparatus let on hire.

71. If any owner or occupier of premises who has hired from the Council any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Council may (notwithstanding anything in the Electricity (Supply) Acts 1882 to 1926) sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Council.

Notice to discontinue supply of electricity.

72.—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at the office of or sent by post to the Council or be given by the consumer personally at the office of the Council.

(2) Notice of the effect of this section shall be endorsed upon any demand note for charges for electricity.

Further powers as to entry upon premises.

73.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Council to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason

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to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lamp-holders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 as extended by this section are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and cannot be ascertained by them on diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Council to any premises which he is entitled to enter in pursuance of the said section 24 as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in either of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to cut off supplies where charges &c. not wholly paid.

74. The powers of the Council under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Council for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Council or supplied by them on hire purchase terms and which the Council are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Council may from time to time determine.

Byelaws as to wires apparatus and fittings.

75.—(1) The Council may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Council with respect to

the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purposes of their railway.

Separate meters in certain cases.

76. If electricity supplied by the Council to any consumer is used partly for the purposes of lighting and partly for purposes other than lighting the Council may require that the electricity used for such first-mentioned purpose shall be measured by a separate meter and paid for as electricity supplied for lighting purposes.

Provisions as to supply of electricity by agreement.

77.—(1) If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of such agreement—

(*a*) the Council may if they think fit discontinue to supply electricity to such consumer;

(*b*) the consumer shall in respect of all the electricity supplied to him by the Council within one year previous to the date of any demand in that behalf made upon him by the Council (whether they determine to discontinue the supply or not) be liable to pay to the Council at any higher rate which they may be for the time being charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

(*c*) the Council in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—

(i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

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(ii) the consumer has paid to the Council the sum payable by him pursuant to the foregoing paragraph (*b*):

Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Council under the terms of any agreement shall be deemed to be a person to whom the Council may be and are required to supply energy within the meaning of section 30 (Penalty for failure to supply) of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated by article 2 of the Caerphilly Electricity Special Order 1922 and the provisions of that section shall apply to the supply afforded by the Council under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Council fail to supply electricity to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Council:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Power to recover cost of cutting off supplies.

78. In any case in which the Council lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Council.

Period of error in defective meters.

79.—(1) If a meter of a construction and pattern approved by the Board of Trade or the Minister and used by any consumer of electricity is proved to register erroneously such erroneous registration shall be deemed

to have first arisen during the then last preceding quarter of the year unless it be proved to have arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Council.

Receipts and expenses.

80.—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Council under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Frontage line in new streets.

81.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Council shall within six weeks after the date of submission thereof signify to the person submitting the same their approval or disapproval thereof.

(2) The Council may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already laid out upon which buildings have not already been erected.

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(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Council or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Council.

(5) If the Council require as a condition of their approval of any such plan relating to a new street the setting back of the building line shown on the plan to a greater distance from the centre of the new street than one-half of the width of the street and ten feet in addition or if the Council prescribe for a street already laid out a building line at a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Council determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(8) Any person aggrieved by any decision of the Council disapproving a building line under subsection (1) or prescribing a building line under subsection (2) of this section may within twenty-one days from the date of such decision appeal to a court of summary jurisdiction

and such court may make such order in the premises and on such terms and conditions as to the court shall seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Byelaws as to intersecting streets.

82. The power of the Council to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

Attachment of lighting brackets and wires to buildings.

83.—(1) The Council may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street :

Provided that—

(*a*) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid;

(*b*) any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of

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summary jurisdiction shall have the same powers as under the first proviso to this section;

(*c*) the owner may require the Council temporarily to remove the attachments where necessary during any re-construction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

As to forecourts.

84.—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Erection of buildings to greater height than adjoining buildings.

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

(2) Any person who shall offend 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.

As to erection of retaining walls.

86.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Council plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Council.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section and any owner who after erection of a wall to which subsection (1) of this section applies shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Sanitary conveniences for workmen engaged on buildings.

87.—(1) The contractor or builder engaged in or upon the construction re-construction or alteration of any building or of any works in the district shall where practicable provide to the reasonable satisfaction of the Council and until the completion of any such construction re-construction or alteration sanitary conveniences in or in connection with such building or works for the accommodation of the workmen employed.

(2) 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.

Larders to be provided.

88.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) (*a*) Any owner aggrieved by any requirement of the Council under subsection (2) of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice.

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(*b*) Notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the clerk.

(*c*) The court may make such order in the matter as they consider reasonable and may award costs to be recoverable as a civil debt.

(*d*) Notice of the right of appeal shall be endorsed on any notice of the Council communicating their requirements.

(4) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Council under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances.

Prohibition of tents vans &c.

89.—(1) (*a*) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Council.

(*b*) It shall not be lawful for any person without the previous consent of the Council to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Council.

(2) Any person aggrieved by the withholding by the Council of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Council appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to (*a*) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (*b*) any person dwelling in a tent or van or

other similar structure who is a roundabout proprietor travelling showman or stall holder not being a pedlar or hawker. A.D. 1928.

(4) Any person offending against the provisions of this section shall be liable to a penalty of five pounds and to a daily penalty not exceeding twenty shillings.

As to dangerous buildings.

90.—(1) In the case of any building which may appear to the Council on the report of any duly qualified officer to be dangerous to the inmates or to persons working therein the Council may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures.

Removal of dilapidated and neglected buildings.

91.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner at his option to take down or repair or rebuild such building (in this section referred to as a "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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(2) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

As to hoardings and similar structures.

92.—(1) (*a*) No fence hoarding or other similar structure (in this section referred to as a "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street—

(i) beyond any building line prescribed by the Council under the provisions of any enactment for the time being in force within the district; or

(ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 100 of the Housing Act 1925; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (*a*) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(*b*) Any person who shall neglect or refuse to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

As to repair of hoardings.

93. The Council may by notice in writing require the owner of any hoarding to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Council may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from the owner any expense incurred by them in so doing.

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Combined drains.

94.—(1) If it appears 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 the premises 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 the repair and maintenance thereof shall be apportioned between the owners 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 subject to a right of appeal under subsection (4) of this section.

(2) 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.

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

95.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Council shall have all the powers conferred by section 41 of the Public

Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Council may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

(3) 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.

As to defective drains &c.

96.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Council may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the Council was reasonable and whether the expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

Wilful damage to drains watercloset &c.

97. If any person causes any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up

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or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Partial saving for railway companies.

98. Nothing in this Part of this Act except the sections whereof the marginal notes are—

Attachment of lighting brackets and wires to buildings;

As to hoardings and similar structures;

As to repair of hoardings;

Combined drains;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or lands are used or held by such company primarily for railway canal or dock purposes.

PART VIII.

SANITARY PROVISIONS AND INFECTIOUS DISEASE.

As to filthy premises.

99.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter such dwelling-house or premises and inspect the same and if the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 of the Summary Jurisdiction Act 1870.

(2) Any expenses incurred by the Council under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises. A.D. 1928.

As to houses without water supply.

100. The owner of any dwelling-house which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings unless either (*a*) the dwelling-house was erected before the passing of this Act or (*b*) the means of affording such a supply of water are not available and cannot be made available at a reasonable cost.

Discontinuance of offensive trade.

101.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Council it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade:

Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of this Act of which the marginal note is "As to appeal" and that the provisions of the said section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Council under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Council require any person to cease to use such premises for the carrying on of an offensive trade

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they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Council Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Council with reference to offensive trades.

Regulation dustbins.

102.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Council.

(2) Every owner or occupier having provided dustbins pursuant to this section shall maintain the same in good order and condition and shall remove or fill in to the reasonable satisfaction of the sanitary inspector any ashpit for which the same has been substituted.

(3) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligations under subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(4) Except as is hereinafter provided this section shall not authorise the Council to require the provision of a dustbin thereunder in any case in which a receptacle in use at the first day of January nineteen hundred and twenty-eight is of suitable size and in proper order and condition Provided that the Council may in any case they think fit require the provision of a dustbin in lieu of any ashpit in use at the first day of January nineteen hundred and twenty-eight but in such case they shall except where the medical officer or the sanitary inspector shall have certified that owing to wilful neglect on the part of the owner or occupier after due notice to keep the same in proper repair any such ashpit is in such a state as to create a nuisance or be injurious to health bear and

pay such sum towards the expense of providing such dustbin (being not less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner or occupier.

(5) Nothing in this section shall apply to any warehouse belonging to a railway company.

Restriction as to use of dustbins.

103.—(1) It shall not be lawful for any person to use any dustbin the contents of which are intended for removal by or on behalf of the Council for any purpose other than the deposit of dust cold ashes or other house refuse not being of a liquid or partly liquid character.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings.

Penalty for throwing solid matter into streams.

104.—(1) Every person who throws deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook so as to interfere with the due flow of water in any such stream or brook shall be liable to a penalty not exceeding forty shillings.

(2) For the purposes of this section particles of matter in suspension in water arising from coal washing or coke cooling shall not be deemed to be solid matter provided that the best practicable and reasonably available means of removing such matter have been used.

Penalty on original vendor of unsound food.

105.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public

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Health Acts Amendment Act 1890 and this section) the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Registration of premises used for manufacture &c. of potted food.

106.—(1) Any premises used or proposed to be used for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Council from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

(2) Any person offending against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) This section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given nor in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

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Byelaws as to food.

107.—(1) The Council may make byelaws for promoting sanitary and cleanly conditions in the transport of any article intended to be sold for the food of man.

(2) The word "food" in this section has the same meaning as in section 72 of the Public Health Act 1925.

(3) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company to or from any station or depôt of such company of any article intended for the food of man the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

Further powers in relation to unsound meat.

108. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any article of food intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly :

Provided that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof.

For regulating manufacture and sale of ice-cream &c.

109.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the district omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable for every such offence to a penalty not exceeding forty shillings.

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(2) If any person so employed or resident suffers from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Council in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Council shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Medical practitioners to notify cases of food poisoning.

110.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Council shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Rag and bone dealers not to sell clothes.

111. Section 73 of the Public Health Act 1925 shall within the district extend and apply to any article of clothing liable to cause infection in like manner as that section applies to any article of food and accordingly the said section shall within the district have effect as if the words "clothing liable to cause infection or" were inserted in subsection (1) thereof before the words "any article of food."

Special provisions to prevent spread of infectious diseases.

112. Any parent or other person liable to maintain a child in attendance at a school (including a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings:

Provided that in any proceedings under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

Power to close Sunday schools in certain events.

113.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children

from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

114.—(1) No person being the parent or having the charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or the education committee of the Council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

Extended meaning of "infectious disease" for certain purposes.

115.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken pox ringworm and influenza as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

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Disinfection in case of tuberculosis.

116.—(1) (*a*) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) or any part thereof would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

(*b*) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by and at the cost of the Council under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by and at the cost of the Council under the superintendence of the medical officer.

(*c*) For the purpose of carrying into effect the provisions of this subsection the Council may by any person who shall be authorised in that behalf in writing under the hand of the clerk and who shall produce his authority enter on any premises between the hours of nine o'clock in the forenoon and six o'clock in the afternoon.

(*d*) Every person who shall wilfully obstruct any person duly authorised by the Council in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (*a*) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner of any household or other articles

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books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(*b*) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the owner free of charge.

(3) If any person sustains any damage by reason of the exercise by the Council of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Penalty on withholding information from medical officer.

117.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Compensation to persons ceasing employment.

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

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Removal of body of person who has died of infectious disease.

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

Power to prohibit persons in infectious state of tuberculosis from handling &c. food.

120.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to public health the Council may request such person to stop his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and to direct that such compensation as it deems equitable shall be paid by the Council to the person.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

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Persons to furnish names of laundrymen to whom clothes &c. from infectious houses are sent.

121. If the medical officer shall at any time receeive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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

122.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate signed by an officer or servant of the Council that the notice required by this section has been affixed outside the Council offices and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

PART IX.

FINANCIAL.

Power of Council to borrow.

123.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all

money so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1. Purpose.	2. Amount.	3. Period.
	£	
(*a*) For the purchase of lands for the street works.	5,590	Sixty years from the date or dates of borrowing.
(*b*) For the construction of the street works.	3,350	Thirty years from the date or dates of borrowing.
(*c*) For the provision and equipment of omnibuses.	12,000	Eight years from the date or dates of borrowing.
(*d*) For the purchase of lands and the erection of buildings for the purposes of the omnibus undertaking.	3,800	Thirty years from the date or dates of borrowing.
(*e*) For the provision of working capital for the purpose of the omnibus undertaking.	1,000	Ten years from the date or dates of borrowing.
(*f*) For paying the costs charges and expenses referred to in the final section of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (*a*) The Council may also borrow with the consent of the Minister of Transport such further money as may be necessary for the purposes of the omnibus undertaking and with the consent of the Electricity Commissioners such further money as may be necessary for any of the purposes of the electricity undertaking and with the consent of the Minister of Health such further money as may be necessary for any other of the purposes of this Act.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed.

(3) In order to secure the repayment of any money borrowed or re-borrowed under the powers of this Act or after the passing of this Act under the powers of the Act of 1917 and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

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As to section 234 of Public Health Act 1875.

124. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount of any sinking fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Public Health Act 1875 and the Sanitary Acts as defined by that Act shall be deducted from the total debt of the Council under those Acts.

Certain provisions of Public Health Acts not to apply.

125. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Application of financial provisions of Act of 1917.

126. Subject to the provisions of this Act the following sections of the Act of 1917 shall apply for the purposes of this Act as if the same were with any necessary modifications re-enacted in this Act (namely) :—

Section 20 (Mode of raising money);
Section 21 (Provisions as to mortgages);
Section 22 (Appointment of receiver);
Section 23 (Protection of lenders from inquiry);
Section 24 (Mode of payment off of money borrowed);
Section 30 (Council not to regard trusts);
Section 33 (Application of money borrowed).

Sinking fund.

127.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed after the passing of this Act by virtue of any statutory borrowing power such sinking fund shall be formed and maintained by payment out of the general rate fund to the fund throughout the period prescribed for the repayment of the moneys so borrowed (hereinafter referred to as "the prescribed period") of either—

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

(*b*) (i) such equal annual sums as will with accumulations at a rate not exceeding three-and-a-half per centum per annum or such higher rate as the Minister may from time to time approve be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed; and

(ii) such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based;

A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund shall (subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of reserve and other funds") unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

(3) All interest on the investments of a sinking fund shall be carried by the Council to the credit of the general rate.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

(6) If it appears to the Council at any time that the amount in the sinking fund with the future payments

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thereto in accordance with the provisions of this section together with the probable accumulations thereon (if an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

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

(8) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this section together with the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(9) If the amount in any sinking fund at any time together with the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

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

(11) The foregoing provisions of this section shall also apply with respect to any sinking fund formed by the Council for the repayment of any moneys borrowed before the passing of this Act under any statutory

borrowing power and the Council shall make such adjustments of any existing sinking fund and of their books and accounts relating thereto as the Minister may sanction or require.

(12) Section 25 (Sinking fund) of the Act of 1917 is hereby repealed and the reference to that section in section 20 (Mode of raising money) of the Act of 1917 shall be construed as a reference to this section.

Use of moneys forming part of reserve and other funds.

128. Notwithstanding anything in any previous enactment the Council may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals contingent superannuation insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so decide repay the same at any time within the period aforesaid:

(2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power:

(3) Any repayment made or interest paid shall be treated in the accounts of the Council as if it were the repayment of or the payment of interest on a loan raised under the statutory borrowing power:

(4) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised

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in exercise of the power and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Consolidated loans fund.

129.—(1) Notwithstanding anything in the Public Health Acts Amendment Act 1890 or in any other Act or Order the Council may if they think fit as from the thirty-first day of March nineteen hundred and twenty-nine or as from any succeeding thirty-first day of March establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

(*a*) All moneys borrowed by the Council whether by the issue of stock or other security together with any moneys borrowed without security in connection with the exercise of the statutory borrowing power;

(*b*) All moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and

(*c*) The appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Council as aforesaid before the date as from which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

(*a*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council; or

(*b*) in the redemption of stock or any other securities issued by the Council the purchase of stock for extinction or the repayment of any moneys borrowed by the Council:

And any moneys of the consolidated loans fund not used or applied to these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments shall not be used or applied otherwise than as provided in this subsection.

(3) Save as in this section expressly provided all the obligations of the Council to the holders of stock or other securities of the Council shall continue in force.

(4) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

All stock and loans to rank equally.

130. Subject to any priority existing at the passing of this Act all stock of and loans to the Council and the dividends and interest thereon shall be charged indifferently on all the revenues of the Council and shall rank equally one with the other without any priority whatsoever.

Reserve funds.

131.—(1) The Council may if they think fit maintain a reserve fund in respect of the omnibus undertaking the water undertaking and the electricity undertaking (each of which is in this section separately referred to as "the undertaking") or any of those undertakings by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities (with power to vary and transpose such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding in respect of the water undertaking and the electricty undertaking a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Council and in respect of the omnibus undertaking a sum equal to one-tenth of such capital expenditure in respect of which such fund is formed.

(2) Any reserve fund which has been formed for the purpose of the undertaking and which is in existence on the date of the passing of this Act shall be deemed to have been formed under this section.

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(3) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the general rate fund but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(4) A reserve fund shall be applicable for the payment to the general rate fund in any year in which as shown by the accounts to be kept in pursuance of the provisions of the section of this Act of which the marginal note is "Separate accounts in respect of certain undertakings" the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the same undertaking of a sum not exceeding the amount of such excess or for meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or otherwise for the benefit of the undertaking and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) Resort may be had to a reserve fund under the foregoing provisions although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

Separate accounts in respect of certain undertakings.

132.—(1) As from the thirty-first day of March nineteen hundred and twenty-eight the Council shall keep their accounts so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division in respect of each of the following undertakings (that is to say) the omnibus undertaking the water undertaking and the electricity undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts (including the interest on any reserve fund authorised in connection therewith) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in

respect of each of the following purposes (that is to say) :— A.D. 1928.

(*a*) The working and establishment expenses and cost of maintenance of the undertaking;

(*b*) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking;

(*c*) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(*d*) The amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and

(*e*) All other expenses (if any) of the undertaking properly chargeable to revenue.

(2) The Council shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Receipts and expenses.

133. All moneys from time to time received by the Council on account of the revenue of the omnibus undertaking the water undertaking and the electricity undertaking shall be carried to and shall form part of the revenue for the year of the general rate fund and all payments and expenses on revenue account made and incurred in respect of those undertakings shall be paid out of that fund.

Application of Electricity (Supply) Act 1926.

134. Nothing in this Act shall be deemed to authorise the Council to apply or dispose of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

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Expenses of execution of Act.

135. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the general rate fund and the general rate.

Interest on mortgages held jointly.

136. Where more persons than one are registered as joint holders of any stock or mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council by any other of them.

Receipt in case of persons not sui juris.

137. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Evidence of transfer or transmission of securities.

138. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Return to Minister of Health with respect to repayment of debt.

139.—(1) The clerk shall if and when he is requested by the Minister of Health so to do send to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk and shall be sent within one month after the making of the request 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 the Minister in a court

of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid 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 any enactment relating to the statutory borrowing power or by the Minister 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 Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Section 31 (Return respecting sinking fund to Local Government Board) of the Act of 1917 and every other provision of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt are hereby repealed.

As to transfers of mortgages of Council.

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

(2) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and

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interest secured thereby and any transferee may in like manner transfer his rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

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

(4) Every such deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(5) The Council before registering any such transfer may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(6) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Council may require.

PART X.

MISCELLANEOUS.

Electricity and water accounts may be collected with general rate.

141. Any electricity and water account payable to the Council may be collected together with the general rate and the same books may be used for the said accounts and rate.

Power to enter premises.

142. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part VII (Streets buildings sewers and drains) and Part VIII (Sanitary provisions and infectious disease) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

143. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part VII (Streets buildings sewers and drains) and Part VIII (Sanitary provisions and infectious disease) of this Act or under any byelaw made thereunder respectively then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon

proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Consent of Council to be in writing.

144. All consents given by the Council under the provisions of this Act or of any enactment byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

As to breach of conditions of consent of Council.

145. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Expenses may be declared private improvement expenses.

146. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Damages and charges to be settled by justices.

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

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Apportionment of expenses in cases of joint owners.

148. Where under the provisions of this Act or any local Act in force in the district 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 those Acts or any of them are recoverable by the Council from the owners shall save as otherwise expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

In executing works for owner Council liable for negligence only.

149. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

General provisions as to byelaws.

150. The provisions of 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 byelaws authorised to be made by the Council under the powers of this Act except those made under Part IV (Omnibuses) and Part VI (Electricity) of this Act.

Evidence of appointments authority &c.

151. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district 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 or order of the Council or any resolution order or report

of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Application of section 265 of Public Health Act 1875.

152. Section 265 of the Public Health Act 1875 shall extend and apply for the purposes of any enactment for the time being in force within the district.

Authentication and service of notices &c.

153.—(1) Where any notice or demand under this Act or under any local Act or Order or any 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 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 registered office or at their principal office or place of business.

As to appeal.

154. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Part VII (Streets buildings sewers and drains) or Part VIII (Sanitary provisions and infectious disease) of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Council may in like manner appeal.

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Saving for indictments.

155. 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 consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Several sums in one summons.

156. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Compensation how to be determined.

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

Powers of Act cumulative.

158. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Inquiries by Minister of Transport.

159. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Council the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister

of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board." A.D. 1928.

Inquiries by Minister of Health.

160.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents by him under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Council shall pay to the Minister of Health any expenses incurred by that Minister 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 Minister not exceeding five guineas a day for the services of such inspector.

Application of miscellaneous provisions of Act of 1917.

161. The following sections of the Act of 1917 are incorporated with this Act and shall apply to the foregoing provisions of this Act as if the same with necessary modifications were set out in this Part of this Act:—

Section 36 (Recovery of penalties &c.);

Section 37 (Recovery of demands);

Section 38 (Informations by whom to be laid);

Section 39 (Penalties to be paid over to treasurer).

Judges not disqualified.

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

Crown rights.

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

Repeal.

164. The following sections and parts of sections of the Act of 1917 and articles of the Order of 1921 are hereby repealed:—

Act of 1917—

Paragraph (*c*) of subsection (1) and subsection (3) of section 4 (Power to provide and run omnibuses);

Section 5 (Fares for passengers);

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Section 6 (Passengers' luggage);
Section 7 (Rates for parcels);
Section 8 (Limitation on carriage of goods and animals);
Section 9 (Charges for dogs);
Section 10 (Trees overhanging omnibus routes);
Section 12 (Lost property);
Subsections (2) and (3) of section 17 (Power to borrow):

Order of 1921—

Article 3 (Byelaws);
Article 4 (Rates for parcels);
Article 5 (Borrowing powers);
Article 6 (Application of sections 51 and 56 of Tramways Act 1870);
Article 7 (Collection of rates fares and charges).

Costs of Act.

165. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund and the general rate or out of moneys borrowed under the powers of this Act.

The SCHEDULE referred to in the foregoing Act.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

District.	Number on deposited Plans.
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