mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions:

"Governor," as respects India, means the Governor General or the Governor of any presidency; and where a British possession consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor:" "Governor:"

"Offence" as used in this Act means an act, neglect, or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force: "Offence:"

"Ship" includes every description of ship, boat, or other floating craft: "Ship:"

"Foreign ship" means any ship which is not a British ship. "Foreign ship."

CHAPTER 74.

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes.

[16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—GENERAL.

1. This Act may be cited as the Contagious Diseases (Animals) Act, 1878. Short title.

2.—(1.) This Act shall, except as otherwise expressed, commence and have effect from and immediately after the thirtieth day of September one thousand eight hundred and seventy-eight, which time is in this Act referred to as the commencement of this Act. Commencement of Act.

(2.) But on and after the passing of this Act any Order of Council and Order in Council necessary or proper for bringing this Act into operation at the commencement thereof, and any order or regulation of a local authority authorised by any such Order of Council or in Council, may be made so that the same do not take effect before the commencement of this Act; and on and after the passing of this Act any committee and any inspector or other officer may be appointed to act under this Act as from the commencement thereof.

3. This Act is divided into parts, as follows: Division of Act into parts.

Part I.—General.
Part II.—England.
Part III.—Scotland.
Part IV.—Ireland.

4. (1.) The enactments described in the First Schedule are hereby repealed, subject to the qualifications and exceptions in this Act mentioned. Repeal of enactments in schedule, with savings and other provisions.

(2.) The repeal of enactments or any other thing in this Act shall not—

(i.) Affect the past operation of any of those enactments, or any Order of Council or in Council or regulation of a local authority made, or any licence granted, or any committee or sub-committee constituted, or any appointment made, or any right, title, obligation, or liability accrued, or any money borrowed, or any market, wharf, lair, landing-place, or other accommodation provided, or any rate or mortgage made, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act.

(ii.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect of any offence committed against, or penalty or forfeiture incurred or liability accrued under or in consequence of, any of those enactments or any order or regulation made thereunder:

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(3.) Notwithstanding the repeal of enactments or any other thing in this Act, every Order of Council and in Council and other thing in this section mentioned shall continue and be as if this Act had not been passed; but so that the same may be revoked, altered, or otherwise dealt with under this Act, as if it had been made or done under this Act.

32 & 33 Vict. c. 70. 40 & 41 Vict. c. 68.

(4.) This Act, instead of the Contagious Diseases (Animals) Act, 1869, shall be deemed to be referred to in the Destructive Insects Act, 1877; and penalties under the provisions of that Act relating to Great Britain shall be recoverable in manner provided in Parts II. and III. of this Act.

Interpretation and construction.

5.—(1.) In this Act—

(i.) "Cattle" means bulls, cows, oxen, heifers, and calves:

(ii.) "Animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine:

(iii.) "Disease" means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, or sheep-scab:

(iv.) "Diseased" means affected with disease:

(v.) "Suspected" means suspected of being diseased:

(vi.) "Carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof:

(vii.) "Fodder" means hay or other substance commonly used for food of animals:

(viii.) "Litter" means straw or other substance commonly used for bedding or otherwise for or about animals:

(ix.) "Foreign," applied to a country, denotes a country out of the United Kingdom of Great Britain and Ireland, and applied to animals and things, means brought to the United Kingdom of Great Britain and Ireland from a foreign country:

(x.) "Inspector of the Privy Council" or "inspector of a local authority" means a person appointed to be an inspector for purposes of this Act, by the Privy Council, or by a local authority, as the case may be; and "inspector," used alone, means such a person, by whichever authority appointed:

(xi.) "Veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Privy Council:

(xii.) "Treasury" means the Commissioners of Her Majesty's Treasury:

(xiii.) "The Corporation of London" means the Mayor and Commonalty and Citizens of the City of London, acting by the Mayor, Aldermen, and Commons of that City, in Common Council assembled:

39 & 40 Vict. c. 36.

(xiv.) "The Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amending or substituted for that Act:

(xv.) "Justice" means justice of the peace:

(xvi.) "Court of summary jurisdiction" means two or more justices sitting in petty sessions at a court or other public place appointed in that behalf, or a police, stipendiary, or other magistrate or officer, however designated, having by law power to act for any purpose with the authority of two justices, and sitting at a police court or other place appointed in that behalf:

(xvii.) "Railway company" includes a company or persons working a railway under lease or otherwise:

(xviii.) "Person" includes a body corporate or unincorporate:

(xix.) "Part" means part of this Act, and "Schedule" means Schedule to this Act:

(2.) The schedules shall be construed and have effect as part of this Act.

(3.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

PART II.—ENGLAND.

6. Part II. applies to England. Extent of Part II.

7. In and for purposes of Part II.— Definition of county and other districts.

(i.) "County" does not include a county of a city or a county of a town, but includes a riding or division or parts of a county having a separate commission of the peace:

(ii.) The liberty of the Isle of Ely and the soke of Peterborough are each a county:

(iii.) Every other liberty or franchise of a county is part of the county by which it is surrounded, or, if partly surrounded by two or more counties, is part of that county with which it has the longest common boundary:

(iv.) "Metropolis" has the same meaning as in the Metropolis Management Act, 1855: 18 & 19 Vict. c. 120.

(v.) "Borough" means—

(*a.*) A place for the time being subject to the Municipal Corporation Act, 1835; or 5 & 6 W. 4. c. 76.

(*b.*) A place having for the time being under any general or local Act of Parliament, or otherwise, a separate police establishment:

(vi.) Every place not being a county, borough, part of the Metropolis, or named in the Second Schedule, forms part of the county to the county rate whereof it is assessed, or, if it is not so assessed, forms part of the county wherein it is situate.

Privy Council.

8.—(1.) In this Act Her Majesty's Most Honourable Privy Council is referred to as the Privy Council, and an Order of the Privy Council under this Act is referred to as an Order of Council. Powers of Privy Council.

(2.) Powers by this Act conferred on the Privy Council may be exercised by the Lords and others of the Privy Council, or two of them; and, as regards the making of orders and doing of acts affecting only particular local authorities, persons, ports, towns, districts, places, areas, vessels, or things, and as regards the issuing and revocation of licences, and the appointment or removal of inspectors and other officers, may be exercised by the Lord President of the Council or one of Her Majesty's Principal Secretaries of State.

Local Authorities.

9. For the purposes of this Part, the respective districts, authorities, rates, and officers described in the Second Schedule, shall be the district, the local authority, the local rate, and the clerk of the local authority, but subject as regards the Metropolis to the following provisions: Local authorities described in schedule.

(i.) The Corporation of London shall alone be the local authority in and for the Metropolis for purposes of the provisions of this Act relating to foreign animals:

(ii.) The City of London and the liberties thereof shall contribute for purposes of this Act to the Metropolitan Consolidated Rate:

(iii.) No part of the expenses of the local authority for a county shall be included in any precept or warrant for the levying or collection of a county rate within the Metropolis.

Cattle Plague.

10.—(1.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof. Declaration of infected place in cattle plague by inspector.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(4.) The inspector shall serve a like notice, signed by him, unless, in the circumstances, this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies in his judgment within one mile in any direction from that cow-shed, field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon, all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the aforesaid place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(6.) The inspector shall, with all practicable speed, inform the Privy Council and the local authority of his declaration and notices, and shall send to the Privy Council his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Privy Council shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(8.) If the Privy Council are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Privy Council are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

Declaration of infected place in cattle plague by Privy Council.

11. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague.

Declaration of infected area in cattle plague.

12. The Privy Council may from time to time, if they think fit, by order declare any area, wherein a place infected with cattle plague is situate, to be an area infected with cattle plague.

Alteration of infected place or area in cattle plague.

13. The Privy Council may from time to time, if they think fit, by order extend, contract, or otherwise alter the limits of a place or area infected with cattle plague.

Declaration of freedom from cattle plague.

14. The Privy Council may at any time, if they think fit, by order declare a place or area infected with cattle plague, or part thereof, to be free from cattle plague.

Slaughter by Privy Council in cattle plague, and compensation out of public money.

15.—(1.) The Privy Council shall cause to be slaughtered—

(i.) All animals affected with cattle plague:

(ii.) All animals being or having been in the same shed or stable, herd or flock, or in contact, with an animal affected with cattle plague.

(2.) The Privy Council may, if they think fit, in any case cause to be slaughtered—

(iii.) All animals suspected of cattle plague, or being in a place infected with cattle plague:

(iv.) All animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury from time to time think fit to make).

(3.) The Privy Council shall, for animals slaughtered under this section, pay compensation as follows, out of money provided by Parliament:

(*a.*) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation do not in any such case exceed twenty pounds:

(*b.*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Pleuro-Pneumonia.

Declaration of infected place in pleuro-pneumonia by local authority.

16.—(1.) Where it appears to an inspector of a local authority that pleuro-pneumonia exists, or has within fifty-six days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of the declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with pleuro-pneumonia, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with pleuro-pneumonia.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of cattle, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of cattle, should be prohibited or restricted by Order of Council.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of cattle found to be affected with pleuro-pneumonia while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the cattle.

Declaration or extension of infected place in pleuro-pneumonia by Privy Council.

17.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia.

(2.) The Privy Council may from time to time, if they think fit, by order extend the limits of a place infected with pleuro-pneumonia, declared either by a local authority or by the Privy Council.

Declaration of infected area in pleuro-pneumonia by Privy Council.

18.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with pleuro-pneumonia is situate to be an area infected with pleuro-pneumonia, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of cattle, and shall either prohibit the holding thereof accordingly, or allow the same to be held on such terms and conditions as they think fit to prescribe.

Rules for pleuro-pneumonia.

19. The rules set forth in the Third Schedule shall have effect in relation to a place or area infected with pleuro-pneumonia.

Declaration of freedom from pleuro-pneumonia.

20.—(1.) Where a local authority have declared a place to be infected with pleuro-pneumonia, they may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(2.) Where the Privy Council or a local authority have declared a place to be infected with pleuro-pneumonia, the Privy Council may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(3.) Where the Privy Council have declared an area to be infected with pleuro-pneumonia, they may, if they think fit, at any time when there is not within that area, or within some particular portion thereof, any place infected with pleuro-pneumonia, declare by order that area, or that portion thereof, to be free from pleuro-pneumonia.

Slaughter by local authority in pleuro-pneumonia, and compensation out of local rates.

21.—(1.) A local authority shall cause all cattle affected with pleuro-pneumonia to be slaughtered within two days after the existence of the disease is known to them.

(2.) A local authority may, if they think fit, cause any cattle being or having been in the same shed or herd, or in contact, with cattle affected with pleuro-pneumonia to be slaughtered.

(3.) The local authority shall out of the local rate pay compensation as follows for cattle slaughtered under this section:

(i.) Where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three fourths of its value immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds:

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Foot-and-Mouth Disease.

Declaration of infected place in foot-and-mouth disease by local authority.

22.—(1.) Where it appears to an inspector of a local authority that foot-and-mouth disease exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place, and also on the occupier or occupiers of any lands or buildings contiguous thereto as he shall consider necessary.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with foot-and-mouth disease, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with foot-and-mouth disease.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of animals, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of animals should be prohibited or restricted by Order of Council.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of animals found to be affected with foot-and-mouth disease while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the animals.

Declaration or extension of infected place in foot-and-mouth disease by Privy Council.

23.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with foot-and-mouth disease.

(2.) The Privy Council may from time to time, if they think fit, on any evidence satisfactory to them, by order extend the limits of a place infected with foot-and-mouth disease, declared either by the Privy Council or by a local authority.

Declaration of infected area in foot-and-mouth disease by Privy Council.

24.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with foot-and-mouth disease is situate to be an area infected with foot-and-mouth disease, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of animals, and shall either prohibit the holding thereof accordingly or allow the same to be held on such terms and conditions as they think fit to prescribe.

Rules for foot-and-mouth disease.

25. The rules set forth in the Fourth Schedule shall have effect in relation to a place or area infected with foot-and-mouth disease.

Declaration of freedom from foot-and-mouth disease.

26.—(1.) Where a local authority have declared a place to be infected with foot-and-mouth disease, they may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(2.) Where the Privy Council or a local authority have declared a place to be infected with foot-and-mouth disease, the Privy Council may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(3.) Where the Privy Council have declared an area to be infected with foot-and-mouth disease, they may, if they think fit, at any time when there is not within that area, or within some particular portion thereof, any place infected with foot-and-mouth disease, declare, by order, that area, or that portion thereof, to be free from foot-and-mouth disease.

Exceptional Powers for Transit, and other cases.

Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other cases.

27.—(1.) The Privy Council shall, as soon as may be after the passing of this Act, and thereafter from time to time, by general order make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

(i.) While exposed for sale or exhibited in a market, fair, saleyard, place of exhibition, or other place; or

(ii.) While placed in a lair or other place before exposure for sale; or

(iii.) While in transit or in course of being moved by land or by water; or

(iv.) While in a foreign animals wharf or foreign animals quarantine station; or

(v.) While being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or

(vi.) While being on common or uninclosed land; or

(vii.) Generally, while being in a place not in the possession or occupation or under the control of the owner of the animals.

(2.) The Privy Council shall, by general orders under this section, from time to time make such provision as they think fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact, with animals so found.

(3.) The Privy Council may from time to time, by special orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected by pleuro-pneumonia or foot-and-mouth disease, or relating to any consequence thereof, or to any matter connected therewith, and notwithstanding any other provision whatsoever of this Act.

Infected Places and Areas, generally.

General provisions respecting declaration of infected places and areas.

28.—(1.) The Privy Council may, from time to time, make such general orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and areas are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or area so declared infected, as well as a place or area declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or area within this Act.

(3.) Notwithstanding anything in this Act, where the Privy Council, on inquiry, and after communication with the local authority, but without prejudice to the powers of the Privy Council as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Privy Council may, by order, cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or area or a portion of an area is declared free from a disease, or a declaration of a place being an infected place is cancelled, as regards the place or as regards any part thereof, then, as from the time specified in that behalf by the Privy Council or a local authority, as the case may be, the place or area, or that portion of the area, or that part of the place, shall cease to be, or to be in, an infected place or area.

(5.) An order of the Privy Council or of a local authority declaring a place or area to be an infected place or area, or a place or area, or a portion of an area, to be free from

disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

Slaughter in Disease, and Compensation, generally.

Power for Privy Council to provide for slaughter in other diseases.

29. The Privy Council may from time to time make such orders as they think fit, subject and according to the provisions of this Act, for directing or authorising, in case of the existence of any disease other than cattle plague or pleuro-pneumonia, slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases payment of compensation for the same by local authorities out of the local rate.

General provisions relative to slaughter and compensation.

30.—(1.) The Privy Council may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Privy Council or of a local authority, but subject to payment of compensation by the Privy Council or the local authority, as the case may be, as in case of actual slaughter.

(2.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the carcase of the animal shall belong to the Privy Council or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by them, or as they direct, as the condition of the animal or carcase and other circumstances may require or admit; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If in any case, the sum received by the Privy Council or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Privy Council or local authority, as the case may be, shall pay that excess to the owner, after deduction of reasonable expenses.

(4.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the Privy Council or local authority, as the case may be, may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land, but, as regards the use by a local authority of common or uninclosed land, not without the approval of the Privy Council.

(5.) If the owner of an animal slaughtered under this Act by order of the Privy Council or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep, as the Privy Council from time to time by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Privy Council or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in their respective judgment, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their respective judgment, diseased at the time of its landing.

Notice of Disease to Police.

Separation of diseased animals, and notice to constable.

31.—(1.) Every person having in his possession or under his charge an animal affected with disease shall, as far as practicable, keep that animal separate from animals not so affected, and shall, with all practicable speed, give notice of the fact of the animal being so affected to a constable of the police establishment for the police district or area, county, borough, town, or place wherein the animal so affected is.

(2.) The constable to whom notice is given shall forthwith give information thereof to such person or authority as the Privy Council from time to time by general order direct.

(3.) The Privy Council from time to time may make such general orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority

in case of any particular disease, or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

Disease and Movement, generally.

Power for Privy Council to make orders for prevention or checking of disease, and other purposes.

32. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration.

(ii.) For prohibiting or regulating the movement of animals and persons into, in, or out of an infected place or area.

(iii.) For prescribing and regulating the isolation or separation of animals being in an infected place or area.

(iv.) For prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected place or area.

(v.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout.

(vi.) For prescribing and regulating the cleansing and disinfecting of infected places and areas, or parts thereof.

(vii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons.

(viii.) For prohibiting or regulating the digging up of carcases buried.

(ix.) For prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale.

(x.) For prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise.

(xi.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere.

(xii.) For prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways.

(xiii.) For prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an Order of Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the animal to the expenses connected with the seizure, detention, and disposal thereof.

(xiv.) For prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Privy Council or of a local authority.

(xv.) For regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament.

(xvi.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Privy Council or of a local authority, or dying while diseased or suspected.

(xvii.) For prohibiting or regulating movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased.

(xviii.) For prescribing and regulating the issuing and production of licences respecting movement and removal of animals and things.

(xix.) For prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals.

(xx.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets, fairs, exhibitions, and sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals.

(xxi.) For prescribing and regulating the cleansing and disinfecting of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith.

(xxii.) For prescribing modes of cleansing and disinfecting.

(xxiii.) For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing.

(xxiv.) For protecting them from unnecessary suffering during the passage and on landing.

(xxv.) For protecting animals from unnecessary suffering during inland transit.

(xxvi.) For securing a proper supply of water and food to animals during any detention thereof.

(xxvii.) For prescribing and regulating the marking of animals.

(xxviii.) For prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act.

(xxix.) For prescribing and regulating the payment and recovery of expenses in respect of animals.

(xxx.) For prescribing and regulating the form and mode of service or delivery of notices and other instruments.

(xxxi.) For authorising a local authority to make regulations for purposes of this Act or of an order of Council, subject to such conditions, if any, as the Privy Council, for the purpose of securing uniformity and the due execution of the provisions of this Act, think fit to prescribe.

(xxxii.) For applying all or any of the provisions of this Act to horses, asses, and mules, and to glanders and farcy, and other diseases thereof.

(xxxiii.) For extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for those purposes comprise any diseaseof animals in addition to the diseases mentioned in this Act.

(xxxiv.) Generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

Provision of water and food at railway stations.

33.—(1.) Every railway company shall make a provision, to the satisfaction of the Privy Council, of water and food, or either of them, at such stations as the Privy Council from time to time, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

(4.) But the Privy Council may from time to time, if they think fit, by order prescribe any other period, not less than twelve hours, instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Privy Council by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals. The amount of those additional charges accrued due in

respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, with costs, by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

Dairies, Cow-Sheds, and Milk-Shops.

Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.

34. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For the registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk.

(ii.) For the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen.

(iii.) For securing the cleanliness of milk-stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.

(iv.) For prescribing precautions to be taken for protecting milk against infection or contamination.

(v.) For authorising a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions, if any, as the Privy Council prescribe.

Foreign Animals.

Prohibition of importation; slaughter or quarantine.

35.—(1.) The Privy Council may from time to time make such general or special orders as they think fit for prohibiting the landing of animals, or of any specified kind thereof, or of carcases, fodder, litter, dung, or other thing, brought from any specified foreign country, or any specified part thereof.

(2.) Any such order may be made at any time after the passing of this Act, but shall not take effect before the first day of January one thousand eight hundred and seventy-nine; and until that day Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, and all other provisions relating to foreign animals of that Act and of any other Act repealed by this Act, shall, notwithstanding that repeal, or any other thing in this Act, be in force as if this Act had not been passed.

32 & 33 Vict. c. 70.

(3.) On and after the first day of January one thousand eight hundred and seventy-nine, the provisions set forth in the Fifth Schedule shall apply to foreign animals, the landing whereof is not for the time being prohibited by Order of Council made under this section.

Regulation of ports.

36.—(1.) The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing the ports at which alone foreign animals may be landed.

(ii.) For defining the limits of ports for purposes of this Act.

(iii.) For defining parts of ports.

(iv.) For prohibiting or regulating the movement of animals into, in, or out of a defined part of a port.

(v.) For prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port.

(vi.) For prescribing and regulating the disposal of animals, not being foreign animals and being in a defined part of a port.

(vii.) For regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, in, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease.

(viii.) For prescribing and regulating the cleansing and disinfecting of a defined part of a port or of parts thereof.

(ix.) For prescribing and regulating the disinfecting or destruction of things being in a defined part of a port or removed thereout.

(x.) For regulating the movement of persons into, in, or out of a defined part of a port.

(xi.) For prescribing and regulating the disinfecting of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease.

(xii.) For prescribing and regulating the seizure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread.

(xiii.) Generally, for the better execution of this Act in relation to foreign animals, carcases, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place, or be made part of an infected place, otherwise than by the Privy Council.

(3.) Where the district or part of a district of a local authority described in the Second Schedule is or comprises, or is comprised in, a port or part of a port, the Privy Council may from time to time, if they think fit, in relation to that port or part of a port, by order, make any body, other than the body constituted the local authority by the Second Schedule, the local authority for the purposes of the provisions of this Act relating to foreign animals, and, in connexion with the local authority so made, prescribe the local rate, if any, and the clerk of the local authority.

Powers and Duties of Local Authorities.

Local authorities to be treated as incorporated.

37. A local authority, not being a body corporate, may sue and be sued, and take and hold land, and otherwise act and be dealt with, for all purposes of this Act, by the name or title of the local authority under this Act for their district, as if they were incorporated.

Committees of local authorities.

38. The provisions in the Sixth Schedule shall have effect with respect to committees of local authorities.

Provision of places for landing of foreign animals.

39.—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of foreign animals, carcases, fodder, litter, dung, and other things.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof, all inclusive. 10 & 11 Vict. c. 14.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and byelaws shall be approved by the Privy Council, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed byelaws being published before application, as required by the Markets and Fairs Clauses Act, 1847. 10 & 11 Vict. c. 14.

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as byelaws from time to time appoint, and the same shall be deemed tolls authorised by the special Act.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them for purposes of Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, or of this section, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act. 32 & 33 Vict. c. 70.

(6.) The local authority shall make such periodical returns to the Privy Council of their expenditure and receipts in respect of the wharf or other place as the Privy Council from time to time require.

(7.) The Privy Council, if satisfied on inquiry that the tolls taken by the local authority for the wharf or other place may properly be reduced, regard being had to the expenditure and receipts of the local authority in respect thereof, and to any money secured on the tolls, and to the other circumstances of the case, may require the local authority to submit to the Privy Council, for their approval, a new schedule of tolls, and on failure of the local authority to do so, to the satisfaction of the Privy Council, may, by order, prescribe such tolls as they think fit, in lieu of those before approved by them.

(8.) The provisions of this section shall apply to a wharf or other place provided by a local authority under the Contagious Diseases (Animals) Act, 1869.

32 & 33 Vict. c. 70.

Power for local authority to acquire land.

40.—(1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for use for burial of carcases in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable, and approved by the Privy Council, in that behalf, or for any other purpose of this Act.

(2.) They may (subject to any agreement) dispose of lands so acquired, but not required for this Act, carrying the money produced thereby to the credit of the local rate.

38 & 39 Vict. c. 55.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875, shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act; save that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate be substituted for the rates therein mentioned.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

Duties of local authorities, and enforcement thereof.

41.—(1.) Every local authority shall execute and enforce this Act and every Order of Council, as far as the same are to be executed or enforced by local authorities.

(2.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an Order of Council, the Privy Council may by order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof.

(3.) The expenses incurred thereby by or on behalf of the Privy Council, including compensation for animals slaughtered, shall be expenses of the local authority, and the amount thereof shall be paid to the Privy Council, on demand, by the treasurer or other proper officer of the local authority; and in default of payment the same shall be recoverable from the local authority, with costs, by a person appointed by the Privy Council to sue in that behalf.

(4.) For the purposes of this section an order of the Privy Council shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(5.) The provisions of this section shall be without prejudice to the right or power of the Privy Council, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act, or of an Order of Council.

Inspectors and other officers of local authority.

42.—(1.) Every local authority shall from time to time appoint so many inspectors and other officers as they think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Privy Council, having regard to the extent and circumstances of the district of the local authority, from time to time direct.

(3.) The Privy Council, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

Reports to Privy Council.

43. Every local authority and their inspectors and officers shall send and give to the Privy Council such notices, reports, returns, and information as the Privy Council from time to time require.

Orders and regulations of local authorities.

44.—(1.) An order or regulation of a local authority may be proved—

(i.) By the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii.) By the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorised by this Act or by Order of Council shall alone be deemed for purposes of this Act an order or regulation of a local authority.

Powers of local authorities to be for their district.

45. The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exerciseable and shall operate within and in relation to that district only.

Expenses of Local Authorities.

Expenses out of local rate.

46. The expenses of a local authority shall be defrayed out of the local rate; and such sums as may be necessary to defray those expenses shall from time to time be levied with and as part of the local rate.

Relief of boroughs from contribution to county expenses.

47.—(1.) The local authority of a borough assessed to the county rate of a county shall be paid by the local authority of the county the proportionate amount paid by the several parishes and parts of parishes in the borough towards the expenses under this Act of the local authority of the county.

(2.) The local authority of a borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses under this Act of the local authority of the county within which the borough is situate; and the treasurer of the county shall, out of the account required by the Municipal Corporation Act, 1835, to be kept by him of money expended out of the county rate for other purposes than those in that Act mentioned, exclude the expenses under this Act of the local authority of the county; and the amount to be paid to the treasurer of the county by the borough shall be varied accordingly.

5 & 6 W. 4. c. 76.

Outstanding rates.

48. The existence of an order or precept for the making or collection under any former Act of a rate remaining uncollected wholly or in part at the commencement of this Act shall not affect the validity of any rate thereafter made.

Borrowing by Local Authorities.

Power for local authority to borrow.

49.—(1.) Where the amount or proportion of the local rate levied or required for this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary under this Act, and may secure the repayment thereof, with interest, by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

38 & 39 Vict. c. 83.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly.

38 & 39 Vict. c. 58.

(5.) A local authority, borrowing for purposes of the provisions of this Act relating to foreign animals, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorised to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

Police.

Duties and authorities of constables.

50.—(1.) The police of each police district or area, county, borough, town, and place shall execute and enforce this Act and every Order of Council.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and if his name and address are not known to the constable, and he fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine an animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes a constable or other officer in the execution of this Act or of an Order of Council or of a regulation of a local authority, or assists in any such obstructing or impeding, the constable or officer may without warrant apprehend the offender.

(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose; and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

General.

General powers of inspectors.

51.—(1.) An inspector shall have, for purposes of this Act, all powers which a constable has under this Act or otherwise in the place where the inspector is acting.

(2.) An inspector may at any time enter any land, or dairy or cow-shed to which this Act applies, or milk-stores or milk-shop, or other building or place wherein he has reasonable grounds for supposing—

(*a.*) That disease exists or has within fifty-six days existed; or

(*b.*) That the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(*c.*) That there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an Order of Council, or of a regulation of a local authority; or

(*d.*) That this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as in this section authorised, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall for the purposes of this Act be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Privy Council shall have all the powers of an inspector throughout England or that part thereof for which he is appointed.

Power for detention of vessels.

52.—(1.) Where an inspector of the Privy Council is satisfied that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Privy Council otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

(3.) Section thirty-four of the Merchant Shipping Act, 1876, shall apply in the case of such detention, as if it were effected under an Act in that section mentioned. 39 & 40 Vict. c. 80.

Expenses of burial of carcases washed ashore.

53. Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck, with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority, and shall be paid by them to the receiver on demand, and in default of payment shall be recoverable with costs from them by the receiver.

Power to exclude strangers by notice.

54. A person owning or having charge of animals in a place or area declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

Provisions for protection of local authority and persons acting under Act.

55.—(1.) An action, prosecution, or proceeding against a local authority, or an inspector or officer of the Privy Council or of a local authority, or any person, for any act done in pursuance or execution or intended execution of this Act, or of an Order of Council, or regulation of a local authority, or in respect of any alleged neglect or default in the execution of this Act, or of such an order or regulation, shall not lie or be instituted unless it is commenced within four months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within four months next after the ceasing thereof.

(2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3.) Subject and without prejudice to any other powers, a local authority, where the defendant in any such action, prosecution, or other proceeding is their officer, servant, or agent, may, if they think fit, except so far as the court before whom such action, prosecution, or other proceeding is heard and determined otherwise directs, pay as part of their expenses in the execution of this Act all or any part of any sums payable by such defendant in or in consequence of such action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise.

No stamp duty or fees.

56. No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act, or an Order of Council, or a regulation of a local authority, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing.

Evidence and form and service of instruments.

57.—(1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Privy Council, or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice or other instrument under this Act or under an Order of Council or regulation of a local authority may be in writing or print, or partly in writing and partly in print.

(3.) Any such notice or other instrument may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a registered letter addressed to him there.

(4.) A notice or other instrument so sent by post shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course.

(5.) In order to prove service by letter of a notice or other instrument, it shall be sufficient to prove that the letter was properly addressed, registered, and posted, and contained the notice or other instrument to be served.

(6.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.

Provisions respecting Orders of Council.

58.—(1.) The Privy Council may from time to time alter or revoke any Order of Council.

(2.) Every Order of Council shall have effect as if it had been enacted by this Act.

(3.) Every Order of Council shall be published in the London Gazette; save that where an order affects only a particular local authority, person, port, town, district, place, area, vessel, or thing, or is a licence or revocation of a licence, or in the nature thereof, or is an appointment or removal of an inspector or other officer, then the insertion in the London Gazette of a notice of the making of the order shall suffice; and a copy of the London Gazette containing such a notice shall be evidence of the order, as if the notice were the order.

(4.) Every Order of Council, licence, or other instrument issued by the Privy Council shall be published by and at the expense of every local authority to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an Order of Council, licence, or other instrument issued by the Privy Council shall not be affected by want of or defect or irregularity in any publication thereof.

(6.) Any act of the Privy Council under this Act, done otherwise than by Order of Council, shall be sufficiently done and signified by an instrument signed by the Clerk of the Council; and every act done and signified by an instrument purporting to be so signed shall be deemed to have been duly done by the Privy Council; and every such instrument shall be received in evidence in all courts and proceedings without proof of the authority or signature of the Clerk of the Council or other proof.

Yearly return to be laid before Houses of Parliament.

59. A return shall be made and laid before both Houses of Parliament not later than the thirty-first day of March in each year, setting forth every Order of Council made since the date of the last return and every previous Order of Council required to be published in the London Gazette and in force; and stating the proceedings and expenditure under this Act of the Privy Council, and, as far as reasonably may be, of local authorities, in the year ending the thirty-first day of December then last; and showing the number of foreign animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Privy Council think fit.

Offences and Proceedings.

60. If any person is guilty of an offence against this Act, he shall for every such offence be liable— Fines for offences.

(i.) To a penalty not exceeding twenty pounds; or

(ii.) If the offence is committed with respect to more than four animals, to a penalty not exceeding five pounds for each animal; or

(iii.) Where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a penalty not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first penalty of not exceeding twenty pounds.

61.—(1.) If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act: General offences.

(i.) If he does anything in contravention of this Act, or of an Order of Council, or of a regulation of a local authority:

(ii.) If, where required by this Act to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so:

(iii.) If he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an Order of Council, or by a regulation of a local authority, he is required to give, produce, observe, or do:

(iv.) If he does anything which by this Act or an Order of Council is made or declared to be not lawful:

(v.) If he does or omits anything, the doing or omission whereof is declared by this Act or by an Order of Council to be an offence by him against this Act:

(vi.) If he refuses to an inspector or other officer, acting in execution of this Act, or of an Order of Council, or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding:

(vii.) If he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected:

(2.) And on a further conviction within a period of twelve months for a second or subsequent offence against the same sub-section of this section, he shall be liable, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding one month, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

62.—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act: Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.

(i.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an Order of Council, or a regulation of a local authority, without having obtained a licence:

(ii.) If, where such a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired:

(iii.) If he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof:

(iv.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made

or issued, under or for any purpose of this Act, or an Order of Council, or a regulation of a local authority:

(v.) If, for the purpose of obtaining such a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vi.) If he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vii.) If he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same:

(viii.) If, with intent to unlawfully evade or defeat this Act, or an Order of Council, or a regulation of a local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act, or an Order of Council, or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing:

(ix.) If he uses or offers or attempts to use for any purpose of this Act, or of an Order of Council, or of a regulation of a local authority, an instrument so issued in blank, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof:

(x.) If he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Privy Council or a local authority in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence:

(xi.) If, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Privy Council or of a local authority or of a receiver of wreck:

(xii.) If, where an Order of Council has prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited.

(2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding two months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Proceedings in court of summary jurisdiction.

63. Proceedings and penalties for offences against this Act may be taken and recovered and expenses and other money by this Act or an Order of Council made recoverable summarily may be recovered with costs, and summary orders under this Act or an Order of Council may be made with costs, by or before a court of summary jurisdiction, under and according to the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of "justices of the peace out of sessions within England and Wales with respect to "summary convictions and orders," and any Act amending the same; but nothing in this section shall apply to proceedings under the Customs Acts.

11 & 12 Vict. c. 43.

Appeal.

64.—(1.) If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom.

(2.) The appeal shall be made to the next practicable court of general or quarter sessions for the county or place in which the cause of appeal arises, holden not less than twenty-one days after the decision appealed from.

(3.) The appellant shall, within ten days after the decision, give notice to the clerk of the court whose decision is appealed from of his intention to appeal, and of the grounds thereof, and to the other party.

(4.) The appellant shall within three days after such notice enter into a recognizance before a justice, with two sufficient sureties, conditioned personally to try the appeal.

(5.) The court may adjourn the appeal, and may make such order thereon as the court thinks fit.

(6.) Nothing in this section shall affect any enactment relative to appeals in cases of summary convictions or adjudications in the city of London or the metropolitan police district, or apply to proceedings under the Customs Acts.

Proceedings under Customs Acts for unlawful landing or shipping.

65.—(1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an Order of Council, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act, but so that he be not punished twice for the same offence.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited, under and according to the Customs Acts, as goods the importation or exportation whereof is prohibited by or under the Customs Acts are liable to be forfeited.

General provision as to procedure.

66.—(1.) The description of an offence against this Act in the words of this Act, or of the Order of Council or regulation of a local authority under which the offence arises, or in similar words, shall be sufficient in law.

(2.) Any exception, exemption, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, or in the Order of Council or regulation of a local authority under which the offence arises, may be proved by the defendant, but need not be specified or negatived in the information; and, if it is so specified or negatived, proof in relation to the matter so specified or negatived shall not be required on the part of the informant.

(3.) A warrant of commitment under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to sustain the warrant, and it is alleged in the warrant that the person named therein has been convicted.

(4.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(5.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfecting thereof.

(6.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(7.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act, or an Order of Council, or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(8.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every penalty or forfeiture recovered under this Act (except in proceedings under the Customs Acts) as the court of summary jurisdiction before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

PART III.—SCOTLAND.

Application of Parts II. and III. to Scotland.

67.—(1.) Part III. applies to Scotland only.

(2.) Part II. shall also, by virtue of this section, extend to Scotland, subject to Part III., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Local Authorities.

Local authorities in schedule.

68. For the purposes of this Part the respective districts, authorities, rates, and officers described in the Seventh Schedule shall be the district, the local authority, the local rate, and the clerk of the local authority.

Appointment of local authority in counties.

69.—(1.) The commissioners of supply in every county shall meet and nominate not fewer than four or more than fifteen of their number to act on the county board for the purposes of this Act, and shall intimate to the lord lieutenant of the county and the convener of the county the number and names of the persons so appointed.

(2.) The clerk of supply in each county shall call a meeting of the occupiers of agricultural subjects in the county valued in the valuation roll in force for the time at one hundred pounds and upwards, and of occupiers of such subjects of which they are owners valued in the valuation roll at fifty pounds and under one hundred pounds. The meeting shall be called by advertisement in one or more newspapers circulating in the county for the same day as, or for a day not later than eight days after, the meeting of the commissioners of supply. The advertisement shall specify the time and place of such meeting, and the clerk of supply shall be clerk to such meeting. The meeting shall nominate from among such occupiers, and owners and occupiers, a number of persons equal to those nominated by the commissioners of supply, and the meeting shall also name a convener, who shall intimate the names of the persons so nominated to the convener of the county, and shall have power to call similar meetings by such advertisement when occasion shall require. In the event of such election not being intimated to the convener of the county within fifteen days from the date of such meeting, it shall be lawful to the lord lieutenant to nominate from among such occupiers, or owners and occupiers, such number of persons, and intimate the same to the convener of the county.

32 & 33 Vict. c. 70.

(3.) Any such nomination and intimation made for the purposes of the Contagious Diseases (Animals) Act, 1869, shall continue to have effect for the purposes of this Act.

(4.) A local authority may, if they think fit, determine that a certain number of their members, not exceeding one third thereof, shall retire periodically, at intervals of not less than three years, the members so retiring being re-eligible; and the local authority may lay down such rules as they think fit to regulate the time and manner of such retirement.

(5.) Vacancies from time to time happening by retirement, death, resignation, or otherwise among the members of the local authority shall be filled up by the authority and in the manner by and in which the members vacating office were respectively nominated.

(6.) The persons nominated as in this section provided, and the lord lieutenant of the county, the convener of the county, and the sheriff of the county (or in his absence such one of his substitutes as he directs by writing under his hand) for the time being shall constitute the local authority.

(7.) As far as not otherwise provided by this Act, such local authority shall have all the powers conferred on the local authority by this Act, and shall have power to elect a chairman, specify a quorum, and make all regulations necessary for carrying the purposes of this Act into effect.

(8.) The chairman of the local authority, and in default of him the convener of the county, and in default of him any three members of the local authority, may at any time call a meeting of the local authority, to be held at such time and place as he or they may fix, and the local authority may adjourn as they from time to time think fit.

Levy and recovery of assessments.

70.—(1.) The local authority in a county shall from time to time give notice to the commissioners of supply of the sums necessary to be provided under the provisions of this Act by means of the local rate; and the amount so intimated shall be assessed and collected by the commissioners of supply according to the real rent of lands and heritages as appearing on the valuation roll in force for the year, and shall be paid over to the local authority.

(2.) The local authority in a burgh shall in like manner assess and collect the amount required to be raised by local rate within such burgh.

(3.) All such assessments shall be payable one half by the proprietor and one half by the tenant, but may be collected wholly from the tenant, who shall in that case be entitled to deduct one half thereof from the rent payable by him to the proprietor, or wholly from the proprietor, who shall in that case be entitled to relief against the tenant for one half of the assessment.

(4.) All the provisions in regard to the recovery of assessments in the Act of the session of the twentieth and twenty-first years of Her Majesty (chapter seventy-two), "to render more effectual the police in counties and burghs in Scotland," are hereby incorporated in this part as far as the same are not inconsistent with the provisions of this Part.

20 & 21 Vict. c. 72.

Land.

Purchase of land.
30 & 31 Vict. c. 101.
38 & 39 Vict. c. 55.

71. The provisions of Part II. relating to the purchase of land shall have effect as if section ninety of the Public Health (Scotland) Act, 1867, were thereby applied, instead of section one hundred and seventy-six of the Public Health Act, 1875; and in the said section ninety the local authority and local rate under this Part shall be substituted for the local authority and the assessment therein mentioned.

Borrowing.

Provisions as to borrowing by local authority.

72. The provisions of Part II. relating to borrowing by local authorities shall, as regards Scotland, be modified as follows:

(i.) Those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof.

(ii.) One of Her Majesty's Principal Secretaries of State shall be substituted for the Local Government Board.

38 & 39 Vict. c. 83.
10 & 11 Vict. c. 16.

(iii.) Borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875; and in lieu thereof the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall, for the purposes of that borrowing, be incorporated with this Act, the local authority being deemed to be the Commissioners; and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor.

Inspectors.

Powers and qualifications of inspectors.

73.—(1.) An inspector of the Privy Council shall have all the powers of an inspector throughout Scotland or that part thereof for which he is appointed.

(2.) Any person may be appointed and be a Veterinary Inspector in Scotland who holds the Veterinary certificate of the Highland and Agricultural Society of Scotland.

Legal Proceedings.

Recovery and application of

74.—(1.) Penalties for offences against this Act, other than penalties recoverable under the Customs Acts, and expenses by this Act or an Order of Council directed to be

penalties, and other matters. 27 & 28 Vict. c. 53.

recovered summarily, and summary orders under this Act or an Order of Council, may, with expenses, be recovered before, and be made by, two justices under the Summary Procedure Act, 1864, and any Act amending the same.

27 & 28 Vict. c. 53.

(2.) The terms "justice" and "justices" include any magistrate having jurisdiction under the Summary Procedure Act, 1864.

(3.) In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator fiscal of the county or burgh, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in common form.

(4.) All judicial powers given to justices and quarter sessions or to magistrates in boroughs by this Act may also be exercised by the sheriff or sheriff-substitute of the county.

(5.) An appeal against a conviction under this Act shall be to the Court of Justiciary at the next circuit court, or where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise; and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, "for taking away and abolishing heritable "jurisdictions in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay any additional expenses awarded by the court dismissing the appeal.

20 Geo. 2. c. 43.

(6.) Notwithstanding anything in this or any other Act, the part of every penalty or forfeiture recovered under this Act, except in proceedings under the Customs Acts, which is not in this Act directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

(7.) "Plaintiff" means pursuer, and "defendant" means defender.

(8.) The provisions in Part II. relating to tender and payment into court do not apply to Scotland.

PART IV.—IRELAND.

Application of Parts II. and IV. to Ireland.

75.—(1.) Part IV. applies to Ireland.

(2.) Part II. shall also, by virtue of this section, extend to Ireland, subject to Part IV., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Interpretation in Part IV.

76. In Part IV.—

(i.) "Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

(ii.) "Chief Secretary" means the Chief Secretary for the time being to the Lord Lieutenant; and any power under this Part vested in the Chief Secretary, except as a Privy Councillor, may in his absence be exercised by the Under Secretary for the time being to the Lord Lieutenant:

(iii.) "Net annual value of property" means the net annual value of property rateable to the relief of the poor according to the valuation in force for the time being:

(iv.) "Union funds" means any money in the hands of the treasurer of a poor law union to the credit of the guardians of the union, and if at any time the assets in the treasurer's hands are not sufficient for any purpose of this Part, then union funds shall be taken to include the moneys next received by the treasurer and placed to the credit of the guardians.

Lord Lieutenant and Privy Council.

Powers of Lord Lieutenant and Privy Council.

77.—(1.) The powers by Part II. conferred on the Privy Council shall be vested in the Lord Lieutenant acting by the advice of Her Majesty's Privy Council in Ireland, in this Act referred to as the Lord Lieutenant and Privy Council.

(2.) The powers exerciseable under Part II. by the Lord President of the Council, or one of Her Majesty's Principal Secretaries of State, may, in Ireland, be exercised by the Lord Lieutenant, or by the Chief Secretary as a Privy Councillor.

(3.) An order of the Lord Lieutenant and Privy Council under this Part is referred to therein as an Order in Council.

(4.) Subject to the provisions of this Part, the provisions of Part II. relating to the Privy Council, and to Orders of Council, shall apply to the Lord Lieutenant and Privy Council, and to Orders in Council.

Communication of Orders from and to Ireland.

78. In order to secure uniformity of action, every Order in Council and every Order of Council made under this Act shall, with all practicable speed, be communicated to the Privy Council, or to the Lord Lieutenant and Privy Council, as the case may be.

Local Authorities.

Constitution of local authorities; lands and borrowing.

79.—(1.) The local authorities shall be the boards of guardians of the several poor law unions.

(2.) The provisions of Part II. relating to the purchase of land by local authorities shall have effect as if instead of section one hundred and seventy-six of the Public Health Act, 1875, there were thereby applied section two hundred and three of the Public Health (Ireland) Act, 1878; and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may acquire land.

38 & 39 Vict. c. 55.
41 & 42 Vict. c. 52.

(3.) The provisions of Part II. relating to borrowing by local authorities shall have effect as if sections two hundred and thirty-seven to two hundred and forty-six, both inclusive, of the Public Health (Ireland) Act, 1878, were thereby applied instead of the Local Loans Act, 1875, and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may borrow, and as if the Commissioners of Public Works in Ireland were substituted for the Public Works Loan Commissioners.

41 & 42 Vict. c. 52.
38 & 39 Vict. c. 83.

Provisions respecting officers of local authorities.

80. The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit,—

(i.) For defining the numbers, qualifications, and powers of inspectors and valuers, and other officers of local authorities, and the terms and conditions of their appointment, and regulating their duties:

(ii.) For fixing the periods for which they shall be appointed, and their remuneration and allowances.

Inspectors.

Qualifications and powers of inspectors.

81.—(1.) The provisions of Part II. requiring local authorities to keep appointed veterinary inspectors shall not extend to Ireland; and the powers and duties by Part II. conferred and imposed on a veterinary inspector shall in Ireland be vested in and discharged by an inspector; but where a person appointed to be an inspector in Ireland has the qualification of a veterinary inspector under this Act, he may be styled a veterinary inspector.

(2.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit for uniting two or more poor law unions into a district for the purposes of inspection, and for authorising or directing the local authorities of those unions to appoint and keep appointed a veterinary inspector for the united district, and for regulating the mode of appointing such inspector, and the amount of his remuneration, and the mode in which the several unions shall contribute thereto; or the Lord Lieutenant may, if he thinks fit, appoint a veterinary inspector for the united district, on such terms

and conditions with reference to contribution by the several unions towards the travelling expenses and allowances of the inspector as the Lord Lieutenant thinks fit.

(3.) An inspector appointed by the Lord Lieutenant shall have, throughout Ireland, or that part thereof for which he is appointed, all the powers by Part II. conferred on a Veterinary Inspector of the Privy Council.

Expenses of Local Authorities.

Expenses out of union funds.

82. The remuneration and allowances of an inspector or valuer of a local authority, and all money payable as compensation for animals slaughtered by direction of a local authority, shall when due be paid by the treasurer of the union out of union funds.

General Cattle Diseases Fund.

Constitution of fund.

83.—(1.) There shall be a General Cattle Diseases Fund for purposes of this Part.

(2.) Any money at the commencement of this Act standing at the Bank of Ireland to the credit of the Cattle Plague Account shall be transferred to the account of the General Cattle Diseases Fund; and that money shall in the first instance constitute that fund, as if it had been raised under this Act.

(3.) The Chief Secretary may from time to time, as and when he thinks fit, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the unions is required for the purposes of this Act.

(4.) Thereupon the Local Government Board shall by order under their seal assess that sum on the several unions in proportion to the net annual value of the property therein.

(5.) They shall send copies of the order to the guardians and to the treasurer of each union.

(6.) Thereupon the treasurer of each union shall out of union funds pay over the amount assessed on the union to the Bank of Ireland, to be placed to the General Cattle Diseases Fund.

(7.) The guardians of each union shall debit the several electoral divisions with proportions of that sum, according to the net annual value of the property therein.

(8.) No larger sum shall be levied under this Act at any one time than shall be equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the unions; nor shall any larger sum be levied under this Act in the whole than shall be equivalent, taken with any money before the commencement of this Act carried to the cattle plague account, to a poundage of fourpence in the pound on the net annual value of the property in all the unions.

(9.) On receipt of a certificate of the Chief Secretary to the effect that any part of the sum standing to the General Cattle Diseases Fund is not required for purposes of that fund, the Local Government Board shall by order under their seal assign the proportions returnable to the several unions, according to the net annual value of the property therein; and the Bank of Ireland shall, on a direction to that effect from the Chief Secretary, remit the sum so assigned to the treasurers of the unions; and the guardians of each union shall, on receipt of that sum, credit the several electoral divisions with proportions of that sum according to the net annual value of the property therein.

Application of fund.

84.—(1.) The treasurer of a union, on proof to the Chief Secretary of the payment by a local authority of any money for remuneration, expenses, allowances, or compensation, in accordance with this Part, shall be entitled to a certificate to that effect, and to an order by the Chief Secretary for payment from the General Cattle Diseases Fund of one half of the money so proved to have been paid, subject, in the case of compensation, to all proper deductions for money received by the local authority in respect of animals slaughtered; and the amount so ordered shall be paid to the treasurer accordingly for the union.

(2.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by the treasurer of a union was, within seven days immediately before its slaughter, brought into that union solely for the purpose of being shipped out of Ireland from a port in that union within those seven days, or of being sold at a fair to be

held in that union within those seven days, and that neither the owner nor the person in charge thereof had been guilty, in relation to it, of any offence against this Act, then the Chief Secretary shall order payment to the treasurer in manner aforesaid of the whole of the money paid in compensation in respect of that animal.

(3.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by a local authority ought not to have been slaughtered, the Chief Secretary may, notwithstanding anything in this section, withhold his order for payment out of the General Cattle Diseases Fund of any money in respect of that animal.

(4.) All expenses incurred by or on behalf of the Lord Lieutenant and Privy Council in the execution of this Part, and not otherwise provided for by this Act, shall be defrayed out of the General Cattle Diseases Fund.

General.

Application of provisions respecting police.

85. The provisions of Part II. relating to the police and to constables shall apply to the members of the Royal Irish Constabulary Force or of the Dublin Metropolitan Police Force.

Recovery of penalties and summary proceedings.

86.—(1.) Proceedings for recovery of penalties for offences against this Act (other than penalties recoverable under the Customs Acts), and proceedings for recovery of expenses by this Act or an Order in Council directed to be recoverable summarily, and proceedings for obtaining summary orders under this Act or an Order in Council, may be taken in a summary manner, according to the provisions of the Summary Jurisdiction Acts, that is, as regards the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices for that district, and as regards other parts of Ireland the Petty Sessions (Ireland) Act, 1851, and any Act affecting or amending the same.

14 & 15 Vict. c. 93.

(2.) The provisions of those Summary Jurisdiction Acts relative to appeals against orders and convictions shall apply to orders and convictions under this Act.

(3.) For the purposes of this Act a court of summary jurisdiction may consist of one or more justices.

(4.) Penalties so recovered shall be applied as follows; that is to say, a part thereof not exceeding one third may be awarded to the informer, and the rest shall be awarded to the Crown, to be applied in aid of the General Cattle Diseases Fund.

Publication and proof of Orders in Council.

87.—(1.) The Dublin Gazette shall be substituted for the London Gazette.

(2.) A copy of the Dublin Gazette purporting to be printed by the Queen's authority shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of any order appearing therein and purporting to be an Order in Council.

(3.) An Order in Council may also be proved by the production of an instrument purporting to be certified to be a true copy thereof by the Clerk of Her Majesty's Privy Council in Ireland, or the person for the time being acting as such; and that instrument shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of the order.

Provision for expenses of Veterinary Department.

88. The Lord Lieutenant, with the approval of the Treasury, may fix the salaries and allowances of the officers and persons acting in execution of this Act in or under the Veterinary Department of Her Majesty's Privy Council Office; and the same, and all charges and expenses incurred in the maintenance and management of that department, shall be paid out of money provided by Parliament.

SCHEDULES.

THE FIRST SCHEDULE.

(Section 4.)

ENACTMENTS REPEALED.

	I.—ENGLAND AND SCOTLAND.
32 & 33 Vict. c. 70. [9 August 1869] in part.	The Contagious Diseases (Animals) Act, 1869: Except— (i.) Paragraphs 2, 3, and 4 of section 28 (local), relating to the markets of the mayor, aldermen, and commons of the City of London, with the Fifth Schedule, referred to in that section. (ii.) Sections 100 and 101 (transitory), relating to money borrowed by local authorities before the passing of that Act.
	II.—SCOTLAND.
38 & 39 Vict. c. 75. [11 August 1875.]	An Act to amend the Contagious Diseases (Animals) Act, 1869.
	III.—IRELAND.
11 & 12 Vict. c. 105. [4 September 1848.]	An Act to prohibit the importation of sheep, cattle, or other animals, for the purpose of preventing the introduction of contagious or infectious disorders.
11 & 12 Vict. c. 107. [4 September 1848.]	An Act to prevent, until the first day of September, one thousand eight hundred and fifty, and to the end of the then session of Parliament, the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
16 & 17 Vict. c. 62. [4 August 1853.]	An Act to extend and continue an Act of the twelfth year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
29 & 30 Vict. c. 4. [6 March 1866.]	The Cattle Disease Act (Ireland), 1866.
33 & 34 Vict. c. 36. [1 August 1870.]	The Cattle Disease (Ireland) Amendment Act, 1870.
35 & 36 Vict. c. 16. [27 June 1872.]	The Cattle Disease (Ireland) Amendment Act, 1872.
37 & 38 Vict. c. 6. [21 May 1874.]	The Cattle Disease (Ireland) Acts Amendment Act, 1874.
39 & 40 Vict. c. 51. [11 August 1876.]	The Cattle Disease (Ireland) Act, 1876.

THE SECOND SCHEDULE.

(Sections 7 and 9.)

LOCAL AUTHORITIES IN ENGLAND.

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, except within the metropolis.	The justices in general or quarter sessions assembled.	The county rate, or rate in the nature of a county rate.	The clerk of the peace.
II.—The City of London and the liberties thereof.	The Corporation of London.	The consolidated rate -	The town clerk.
III.—The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.	The metropolitan consolidated rate.	The clerk of the Metropolitan Board of Works.
IV.—Boroughs subject to the Municipal Corporation Act, 1835.	The mayor, aldermen, and burgesses acting by the Council.	The borough rate, with the borough fund.	The town clerk.
V.—Other boroughs -	The commissioners or other body maintaining the police therein.	The rate applicable by the commissioners or other body to the maintenance of the police.	The clerk of the commissioners or other body.
VI.—The district of the local board of Oxford.	The local board - -	The rate leviable by the local board.	The clerk of the local board.

THE THIRD SCHEDULE.

PLEURO-PNEUMONIA.

(Section 19.)

1. Cattle are not to be moved into or out of a place infected with pleuro-pneumonia, except where, as regards movement into such a place, the cattle are affected with pleuro-pneumonia, and except in such other cases as the Privy Council think fit from time to time by general Order to except.
2. In the cases so excepted by Order cattle may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.
3. Cattle may be moved into, in, or out of such parts of an area infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by general Order of Council, and not otherwise.
4. Nothing in this Schedule restricts movement of cattle in a place infected with pleuro-pneumonia.

THE FOURTH SCHEDULE.

FOOT-AND-MOUTH DISEASE.

(Section 25.)

1. Animals are not to be moved into or out of a place infected with foot-and-mouth disease, except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Privy Council think fit from time to time by general Order to except.
2. In the cases so excepted by Order animals may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.
3. Animals may be moved into, in, or out of such parts of an area infected with foot-and-mouth disease as are not comprised in a place infected with foot-and-mouth disease, by licence of the local authority, granted on conditions prescribed by Order of Council, and not otherwise.
4. Nothing in this Schedule restricts movement of animals in a place infected with foot-and-mouth disease.

THE FIFTH SCHEDULE.

FOREIGN ANIMALS.

I.—*Slaughter at Port of Landing.*

(Section 35.)

1. Foreign animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals wharf.
2. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct.
3. They are not to be moved alive out of the wharf.

II.—*Quarantine.*

4. The foregoing provisions of this Schedule (under the head of Slaughter at Port of Landing) do not apply to animals intended for exhibition or for other exceptional purposes; and in lieu thereof the subsequent provisions of this Schedule (under the head of Quarantine) apply to those animals.
5. Those animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals quarantine station.
6. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Privy Council from time to time by general Order prescribe.
7. When landed they are to be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals or other persons, and approved by the Privy Council.
8. Any such animal is not to be moved out of the quarantine station except on conditions prescribed by general or special Order of Council.
9. Notwithstanding anything in the foregoing provisions of this Schedule (under the head of Quarantine), the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcases of such animals, shall apply to animals in a foreign animals quarantine station.

III.—*Channel Islands and Isle of Man.*

10. In relation to animals brought from the Channel Islands or the Isle of Man, the Privy Council may from time to time, if they think fit, by general or special Order or by licence, alter or add to the provisions of this Schedule relating to slaughter or to quarantine, as the case may require.

IV.—*Other Foreign Countries.*

11. In relation to foreign animals other than those brought from the Channel Islands and the Isle of Man, if and as long as, from time to time, the Privy Council are satisfied, with respect to any foreign country, that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein, are such as to afford reasonable security against the importation therefrom of diseased animals, then, from time to time, the Privy Council, by general or special Order, shall allow animals, or any specified kind of animals, brought from that country, to be landed, without being subject, under the provisions of this Schedule, to slaughter or to quarantine, and may for that purpose alter or add to those provisions, as the case may require; but every such Order shall forthwith, after the making thereof, if Parliament is then sitting, and if not, then forthwith after the next meeting of Parliament, be laid before both Houses of Parliament.

THE SIXTH SCHEDULE.

(Section 38.)

COMMITTEES OF LOCAL AUTHORITIES.

1. Each local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. Each committee may consist wholly of members of the local authority, or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified as the local authority think fit.

3. A local authority may delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.

5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them all or any of the powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee, who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee, or, in the case of a committee appointed by the local authority for a county, by the termination of the session at which they were appointed.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

THE SEVENTH SCHEDULE.

LOCAL AUTHORITIES IN SCOTLAND. (Section 68.)

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, including any town or place which does not return, or contribute to return, a member to Parliament.	The persons appointed as provided in Part III.	Rate appointed to be levied in Part III.	The clerk of supply.
II.—Burghs which return, or contribute to return, a member to Parliament.	The magistrates and town council.		The town clerk.

1. In and for purposes of this Schedule and Part III. "county" does not include county of a city.
2. For purposes of Part III. the burgh of Maxwelltown is part, not of the parliamentary burgh of Dumfries, but of the stewartry of Kirkcudbright.

CHAPTER 75.

An Act to amend the Law in respect to the Polling District of Arranmore (Ireland). [16th August 1878.]

WHEREAS by section eight of an Act passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter sixty-two, intituled "An Act to amend "the law relating to the duration of contested elections for counties in Ireland, and for "establishing additional places for taking the poll thereat," power was given to the Lord Lieutenant of Ireland, by and with the advice of the Privy Council in Ireland, on petition from the justices of any county in Ireland in quarter sessions assembled praying that any polling district in such county might be altered, and that any barony or half barony, or any portion thereof respectively, might be annexed to any other polling district, to declare that any such polling district should be so altered, and that any barony or half barony, or any portion thereof respectively, should be annexed to any other polling district:

And whereas by the Ballot Act, 1872, the above-mentioned enactment was repealed, and there is no power under the existing law to declare that any polling district in Ireland, or any portion thereof, shall be annexed to any other polling district: 35 & 36 Vict. c. 33.

And whereas it is expedient that the polling district of Arranmore, in the parish of Templecrone, barony of Boylagh, and county of Donegal, Ireland, should be annexed to the adjacent polling district of Dungloe in the same parish, barony, and county:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Arranmore Polling District Act, 1878. Short title.

2. The polling district of Arranmore, in the parish of Templecrone, barony of Boylagh, and county of Donegal, Ireland, shall, from and after the passing of this Act, be annexed to and form part of the polling district of Dungloe in the same parish, barony, and county. Polling district of Arranmore to be annexed to Dungloe.