CHAPTER 14.

An Act for conferring further Powers under the Contagious Diseases (Animals) Acts, 1878 to 1886, with respect to Pleuro-pneumonia. [4th July 1890.]

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:

Slaughter by Board of Agriculture in cases of pleuro-pneumonia, and payment of compensation.

1.—(1.) The Board of Agriculture shall cause to be slaughtered all cattle affected with pleuro-pneumonia.

(2.) The Board of Agriculture may, if they think fit, in any case cause to be slaughtered:—

(*a.*) any cattle suspected of being affected with pleuro-pneumonia; and

(*b.*) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Board to have been in any way exposed to the infection of pleuro-pneumonia.

41 & 42 Vict. c. 74. s. 21.

(3.) There shall be paid such compensation for animals slaughtered under this section as is specified in section twenty-one of the principal Act.

(4.) Where the Board of Agriculture have decided that any head of cattle is to be slaughtered under this section, the Board shall, if the owner of such head of cattle by notice in writing so require, cause the same to be slaughtered within twenty-one days after the receipt of such notice.

(5.) The Board of Agriculture may, for the purposes of the execution of this Act, employ such additional inspectors, valuers, and other persons, and at such remuneration, and may incur such expenses as, subject to the sanction of the Treasury, they think necessary.

As to expenses of Act in Great Britain.

2.—(1.) For the purposes of this Act, so far as the same relates to Great Britain, there shall be opened an account at the Bank of England (in this Act referred to as the Cattle Pleuro-pneumonia Account for Great Britain).

(2.) There shall be paid to the said Account:

(*a.*) such moneys (not exceeding one hundred and forty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs of the execution of this Act in Great Britain; and

(*b.*) all sums received by the Board of Agriculture on the sale of the carcases of cattle slaughtered under this Act, after deducting any amounts payable to the owners of such cattle under the third sub-section of section thirty of the principal Act.

(3.) The costs of the execution of this Act in Great Britain shall be paid by the Board of Agriculture out of the moneys standing to the Cattle Pleuro-pneumonia Account for Great Britain.

(4.) If in any financial year the money standing to that Account is insufficient to defray the costs of the execution of this Act in Great Britain, the Local Government Board and the Secretary for Scotland shall, out of the Local Taxation Account and the Local Taxation (Scotland) Account respectively, pay to the Cattle Pleuro-pneumonia Account for Great Britain in the proportions provided by this Act, such additional sums as may be certified by the Board of Agriculture to be required for defraying such costs.

Information by inspector of local authority.

3. The inspector of the local authority who has made a declaration and served a notice under section sixteen of the principal Act, shall, in addition to the duties imposed upon him by that section, with all practicable speed, inform the Board of Agriculture of such declaration and notice and send a copy of the same to the Board of Agriculture.

Powers of inspectors of Board of Agriculture.

4.—(1.) For the purpose of ascertaining whether pleuro-pneumonia exists or has within fifty-six days existed in any cowshed, land, or other place, an inspector of the Board of Agriculture may at any time enter such cowshed, land, or place.

(2.) The powers conferred upon an inspector of the Board of Agriculture by this section shall be in addition to those conferred upon him by section fifty-one of the principal Act.

Application of Act to Ireland

5. This Act shall apply to Ireland subject to the modifications and provisions contained in Part IV. of the principal Act, and in this section.

(1.) The Lord Lieutenant and Privy Council shall be substituted for the Board of Agriculture.

(2.) There shall be paid to the General Cattle Diseases Fund:

(*a.*) Such moneys (not exceeding twenty thousand pounds in any one year) as may be provided by Parliament towards defraying the costs of the execution of this Act in Ireland; and

(*b.*) All sums received by the Lord Lieutenant and Privy Council on the sale of the carcases of cattle slaughtered under this Act, after deducting any amounts payable to the owners of such cattle under the third sub-section of section thirty of the principal Act;

and the amounts so paid shall be carried to a separate account to be called the Cattle Pleuro-pneumonia Account of the said Fund, and shall be applicable solely to the purposes of this Act.

(3.) The costs of the execution of this Act in Ireland shall be paid by the Lord Lieutenant and Privy Council out of the moneys standing to the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund, and if those moneys are insufficient shall be paid out of the general account of that Fund.

(4.) All expenses (including compensation for animals slaughtered) incurred before the commencement of this Act by any local authority or by or on behalf of the Lord Lieutenant and Privy Council in executing and enforcing the provisions of the Pleuro-pneumonia Slaughter (Ireland) Order of 1888 (which order was made by the Lord Lieutenant and Privy Council

under the Contagious Diseases (Animals) Acts, 1878 to 1886, on the sixth day of March 1888), shall be charged to and defrayed out of the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund.

Supplemental provisions as to Cattle Pleuro-pneumonia Accounts, and Local Taxation Accounts.

6.—(1.) At the end of every financial year accounts of the receipts and expenditure of the Cattle Pleuro-pneumonia Accounts established under this Act shall be made up in such form and with such particulars as may be directed by the Treasury, and such accounts shall be audited by the Comptroller and Auditor General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament together with his report thereon.

(2.) If at the end of any financial year the Treasury, after communication with the Board of Agriculture or the Lord Lieutenant and Privy Council as the case may be, are satisfied that the balance standing to the credit of either of the said Cattle Pleuro-pneumonia Accounts or any part of such balance will not be required for the purposes of this Act, they may

(*a.*) In the case of the Cattle Pleuro-pneumonia Account for Great Britain direct such balance or part to be paid in the proportions provided by this section into the Local Taxation Account and the Local Taxation (Scotland) Account, in repayment of any sums which have been paid to the Cattle Pleuro-pneumonia Account out of the said Local Taxation Accounts; and

(*b.*) In the case of the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund direct such balance or part to be paid into the general account of the said Fund in repayment of any sums which have been paid out of the said general account for the purposes of this Act;

and in either case the Treasury may direct any balance or part which may not be required for such repayment to be paid to the Exchequer.

(3.) The proportions in which any sum is to be paid out of or into the Local Taxation Account and the Local Taxation (Scotland) Account under this Act shall be eighty-eight per cent. of such sum out of or into the Local Taxation Account, and twelve per cent. out of or into the Local Taxation (Scotland) Account.

(4.) All moneys paid under this Act out of or into the Local Taxation Account shall in account be charged against or credited to the proceeds of the Probate Duty.

(5.) All moneys paid under this Act out of or into the Local Taxation (Scotland) Account shall in account be charged against or credited in manner provided by any Act hereafter passed respecting the application of any Customs or Excise Duties paid to the Local Taxation (Scotland) Account.

(6.) Payments out of and into the said Cattle Pleuro-pneumonia Accounts and all other matters relating to the accounts and to the moneys standing to the credit of the accounts shall be made and regulated in such manner as the Treasury direct.

7. Section twenty-one of the principal Act is hereby repealed from the beginning of the section to the words "under this section." Partial repeal of 41 & 42 Vict. c. 74. s. 21.

8.—(1.) This Act may be cited as the Contagious Diseases (Animals) (Pleuro-pneumonia) Act, 1890, and so far as is consistent with the tenor thereof, shall be construed as one with the Contagious Diseases (Animals) Acts, 1878 to 1886. Short title, and construction of Act.

(2.) The Contagious Diseases (Animals) Acts, 1878 to 1886, and this Act may be cited together as the Contagious Diseases (Animals) Acts, 1878 to 1890.

(3.) The Contagious Diseases (Animals) Act, 1878, is in this Act referred to as the principal Act.

9. This Act shall come into operation on the first day of September one thousand eight hundred and ninety. Commencement of Act.

CHAPTER 15.

An Act to amend the Open Spaces Acts.

[25th July 1890.]

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 Open Spaces Act, 1890, and may be read with the Metropolitan Open Spaces Acts, 1877 and 1881, and the Open Spaces Act, 1887 (herein-after called the principal Acts) as one Act, and this Act and the principal Acts may be cited as the Open Spaces Acts, 1877 to 1890. Short title and construction. 40 & 41 Vict. c. 35. 44 & 45 Vict. c. 34. 50 & 51 Vict. c. 32.

2. In this Act— Definitions.

The expression "local authority" shall mean and include any of the public bodies who are empowered by the principal Acts to hold open spaces for the purposes of the Open Spaces Acts, 1877 to 1890:

"The court" shall mean the Chancery Division of the High Court of Justice in England and Ireland, and the county court of the district in which the whole or part of any open space may be situated as herein provided.

3. The trustees of land held upon trust for the purposes of public recreation may, in pursuance of a resolution duly passed as provided by section two of the Metropolitan Open Spaces Act, 1881, transfer by free gift, absolutely or for a limited term, to the local authority of the district in which the whole or the greater part in area of the land is situate, the land so held by them, if such authority is willing to accept such transfer, to be held by the transferees on the trusts and subject to the conditions on which the transferors held the same, or upon such other trusts and subject to such other conditions (so that the land be appropriated to the purposes of public recreation) as may be agreed upon between the Transfer to local authority of spaces held by trustees for purposes of public recreation.