CHAPTER lxxix.

An Act to confer further powers upon the mayor aldermen and burgesses of the Borough of Devonport with reference to their water undertaking and their electrical undertaking to make further and better provision with regard to the improvement health local government and finance of the said borough and for other purposes. A.D. 1907.

[26th July 1907.]

WHEREAS the borough of Devonport in the county of Devon is a municipal and county borough under the management and control of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas by the Devonport Corporation (Water) Act 1902 (in this Act referred to as "the Act of 1902") the Corporation were empowered to purchase the undertaking of the Devonport Water Company and such purchase was in the year 1906 carried out and completed:

And whereas the demand for the supply of water in the limits within which the Corporation are authorised to supply water has been and still is increasing and the improvement of the existing means of supply and the construction of further works are necessary to enable the Corporation to meet such demand and it is expedient that the Corporation should be empowered to make and maintain the works and to acquire the lands herein-after respectively described or referred to and that other powers should be conferred upon the Corporation with reference to their water undertaking:

And whereas the Corporation are empowered by the Devonport Corporation Electric Lighting Order 1896 (in this Act referred to as "the Order of 1896") to supply electrical energy in the

A.D. 1907.

borough and in pursuance of the Devonport Corporation Act 1900 (in this Act referred to as "the Act of 1900") have accepted a transfer of the powers conferred on the East Stonehouse Urban District Council by the East Stonehouse Electric Lighting Order 1898 (in this Act referred to as "the Order of 1898") and are now supplying electricity under those Orders and it is expedient that further powers be conferred upon them in connexion with their electrical undertaking:

And whereas it is expedient that further and better provision be made with reference to streets buildings and sanitary matters and for the improvement health local government and finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended and that the other powers contained in this Act should be conferred upon the Corporation:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
For the purchase of land and easements for the waterworks and for the construction of the service tank reservoir and filter bed by this Act authorised - - - - - -	39,000
For the construction of the lines of pipes by this Act authorised - - - - -	22,000
For the lining of portions of the existing leat of the Corporation - - - - -	11,000

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

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

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twelfth day of November

one thousand nine hundred and six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Western Morning News a local newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and the district fund and general district rate:

And whereas the said resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the third day of January one thousand nine hundred and seven being not less than fourteen days after the deposit of the Bill in Parliament:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Devonport Corporation Act 1907.

Act divided into parts.

2. This Act is divided into parts as follows (that is to say):—

Part I.—Preliminary.
Part II.—Water.
Part III.—Electricity.
Part IV.—Streets and Buildings.
Part V.—Sanitary.
Part VI.—Infectious Diseases.
Part VII.—Milk Provisions.
Part VIII.—Finance.
Part IX.—Miscellaneous.

A.D. 1907.

Incorporation of Acts.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) :

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words "with the consent in writing of "the owner or reputed owner of any such house or "of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847 ;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

And the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the works by this Act authorised and of any telegraph or telephone posts wires conductors or apparatus which the Corporation may and which they are by this Act authorised to erect or lay down for the purposes of the water undertaking.

Interpretation.

4. Unless there be something in the subject or context repugnant to such construction the several words and expressions to which by the Acts in whole or in part incorporated with this Act or the Public Health Acts meanings are assigned have in this Act the same respective meanings And

"The Corporation" means the mayor aldermen and burgesses of the borough of Devonport ;

"The borough" means the borough of Devonport ;

"The council" means the council of the borough ;

"The town clerk" "the treasurer" "the surveyor" "the medical officer" and "the inspector of nuisances" respectively mean the town clerk the treasurer the surveyor the medical officer of health and the inspector of nuisances appointed by the council in pursuance of the powers of any public Act and "medical officer" shall include any deputy medical officer of health duly appointed or any person duly authorised to act temporarily as medical officer of health ;

"The borough fund" "the borough rate" "the district fund" "the general district rate" and "the poor rate" mean respectively the borough fund the borough rate the district fund the general district rate of the borough and the poor rate of the parish of Devonport;

"The water undertaking" means the water undertaking of the Corporation for the time being authorised;

"The electrical undertaking" means the electrical undertaking of the Corporation for the time being authorised;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act or Acts amending the same;

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

"Daily penalty" means a penalty for every day on which an offence is continued after conviction;

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

"Dairyman" means any cowkeeper purveyor of milk or occupier of a dairy;

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

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

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament

A.D. 1907

public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

Part II.

Water.

Power to make works

5. Subject to the provisions of this Act the Corporation may wholly in the county of Devon and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections and may from time to time alter improve enlarge extend renew reconstruct or discontinue all or any of the same (that is to say):—

Work No. 1 A line or lines of pipes No. 1 commencing in the parish of Walkhampton at the service tank (Work No. 2) herein-after described passing thence through the parishes of Buckland Monachorum Tamerton Foliott and Bickleigh and terminating in the parish of Tamerton Foliott at or near the gauge tank of the Corporation's existing Belliver Reservoir:

Work No. 2 A service tank to be situate in the parish of Walkhampton at or near the north-east corner of the field or enclosure numbered 123 on the $\frac{1}{2500}$ Ordnance map (1898 edition) of the said parish and twenty yards or thereabouts south-east of the public road leading from Princetown to Devonport:

Work No. 3 A line of pipes No. 2 commencing in the parish of Egg Buckland by a junction with the existing pipe of the Corporation in the public road from Princetown to Devonport at a point one hundred and fifty yards or thereabouts north-east of Derriford Lodge and terminating in the parish of Tamerton Foliott in the reservoir (Work No. 4) herein-after described at a point one hundred and ninety yards or thereabouts measured in a westerly direction

from its commencement and two hundred yards or thereabouts measured in a north-westerly direction from Derriford Lodge :

Work No. 4 A reservoir to be situate in the parish of Tamerton Foliott in and upon a piece of land forming part of the fields or enclosures belonging or reputed to belong to the Corporation and numbered 943A 946 946A and 948 on the $\frac{1}{2500}$ Ordnance map (1905 edition) of the said parish and extending for a distance of one hundred and seventy yards or thereabouts in a westerly direction from the leat of the Plymouth Corporation :

Work No. 5 A filter bed to be situate in the parish of Tamerton Foliott in the fields numbered 948 and 955A on the said Ordnance map and on the northern side of and adjoining the existing Crownhill filter beds of the Corporation :

Together with all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts bores water towers washouts overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery telegraphs telephones and other apparatus and appliances as may be necessary in connexion with or subsidiary to the works authorised by this Act.

Limits of deviation.

6. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir and filter bed three feet upwards and five feet downwards and in the case of other works three feet upwards and ten feet downwards Provided as follows (that is to say) :—

The Corporation shall not construct any embankment or wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition :

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

New works to form part of water undertaking.

7. The several works authorised to be constructed and the lands authorised to be acquired by this Act shall for all purposes whatsoever form part of the water undertaking.

Power to acquire lands.

8. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised or for the purposes of the water undertaking.

Power to acquire additional lands.

9. Subject to the provisions of this Act the Corporation in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use the following lands shown upon the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands in the parish of Walkhampton lying on the south-east side of and adjoining the public road from Princetown to Devonport and north-east of and near to the Manor Hotel Dousland being portions of the properties numbered 123 and 48 on the $\frac{1}{2500}$ Ordnance map (1898 edition) of the said parish.

Period for compulsory purchase of lands.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

11. If the works authorised by the section of this Act whereof the marginal note is "Power to make works" are not completed within five years from the passing of this Act or such further period as may upon the application of the Corporation be prescribed by the Local Government Board then on the expiration of that period or further period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed Provided that the Corporation may alter improve enlarge extend renew reconstruct or discontinue any of their works and plant and in the case of the lines of pipes by this Act authorised may lay down additional lines of pipes as and when occasion may require.

Limiting powers of Corporation to abstract water.

12. The Corporation shall not sink any well upon or construct any works for taking or intercepting water from any lands to be acquired by them for the purposes of their water undertaking unless the works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

For protection of Postmaster-General.

13. No telegraphic or telephonic apparatus erected laid down made or maintained under the authority of this Act shall be used for transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to acquire easements in lieu of lands.

14.—(1) The Corporation may in lieu of acquiring any lands for the purpose of the works by this Act authorised acquire such easements and rights in such lands as they may require for the purposes of making inspecting maintaining cleansing repairing extending altering renewing enlarging and managing the said works and of obtaining access thereto and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof And the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and to summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) Provided that as regards any lands taken or used by the Corporation for the purpose of such works where they are respectively constructed or laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands taken or used had not been taken or used by the Corporation.

(3) Provided also that except as to land forming part of a street nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Dwelling-houses for persons in Corporation's employment.

15. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the water undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging

A.D. 1907.

to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.

For protection of Corporation of Plymouth.

16. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Plymouth (in this section referred to as "the Plymouth Corporation") shall unless otherwise agreed between the Corporation and the Plymouth Corporation apply and have effect:—

(1) In the construction of the works by this part of this Act authorised the Corporation shall deviate in such places to such extent and in such manner within the limits of deviation prescribed by this Act as the engineer of the Plymouth Corporation may reasonably require for avoiding interference with the leat or any mains pipes or apparatus belonging to the Plymouth Corporation (respectively referred to in this section as "the leat" and "mains"):

(2) All works crossing or affecting the leat shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the engineer of the Plymouth Corporation and according to plans and sections to be previously submitted to such engineer and reasonably approved of by him in writing Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and sections within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

(3) The works shall be constructed and maintained so as not to cause the leakage or abstraction of water from the leat and so as not to impede or interfere with the flow of the water therein:

(4) Whenever in the execution of the powers contained in this part of this Act it shall be necessary to lower alter interfere with or disturb any mains such lowering alteration interference or disturbance shall be effected at the expense of the Corporation by and under the direction of the engineer of the Plymouth Corporation:

(5) The cost of constructing providing and laying any new mains in substitution for any which may be rendered useless by the construction or user of the works by this part of this Act authorised and the value of any mains which are rendered useless or unproductive to the Plymouth Corporation by the works authorised by this part of this Act and for which no substituted mains are required shall be paid by the Corporation to the Plymouth Corporation and such mains shall thereupon become the property of the Corporation:

(6) When under the foregoing provisions of this section new mains shall be laid down in the place of existing mains the Plymouth Corporation may use mains of dimensions larger than those of the existing mains but the Corporation shall (unless the increased dimensions are rendered necessary by reason of the construction or use of the works by this part of this Act authorised) only be required to pay the expenses which would have been incurred by the substitution of mains of dimensions equal to those of the existing mains:

(7) If by reason of the construction of the works or any of them or the failure of any of the works the leat or any mains shall be injured or the water therein shall leak or be abstracted or the supply of water interfered with the Corporation shall compensate the Plymouth Corporation for all costs to which the Plymouth Corporation may be put in repairing the said damage and shall effectually indemnify and hold harmless the Plymouth Corporation from all claims and demands upon or against them by reason of such construction or failure or otherwise by reason of the acts or defaults of the Corporation or any of their contractors or their respective servants or workmen:

(8) The Corporation shall not acquire any estate or interest in the lands and property of the Plymouth Corporation other than an easement or right of constructing and maintaining therein the works by this part of this Act authorised:

(9) The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Acts with

A.D. 1907.

respect to the purchase of land otherwise than by agreement:

(10) If any difference shall arise between the Corporation and the Plymouth Corporation or their engineers respecting any of the works matters or things under the provisions of this section the same shall except as in this section otherwise provided at the request of either party be referred to an engineer to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such reference.

For protection of Great Western Railway Company.

17. The following provisions for the protection of the Great Western Railway Company (herein-after referred to as ".the Great Western Company") shall unless otherwise agreed between the Great Western Company and the Corporation have full force and be binding upon the Corporation:—

(1) The line of pipes No. 1 (Work No. 1) by this Act authorised shall be constructed and maintained by the Corporation where the same crosses over the railway or property of the Great Western Company only according to plans and sections to be previously submitted to and reasonably approved by the principal engineer of the Great Western Company and all works at such crossing and all maintenance repairs and renewals thereof shall be done and executed by the Corporation to the reasonable satisfaction in all respects and under the superintendence of such engineer and at such times as he shall approve and in all things at the expense of the Corporation and whenever any such works maintenance repairs or renewals are constructed they shall be so constructed executed and maintained that the said railway or any of the works thereof shall not be injured nor the traffic upon the said railway in any way impeded Provided that if the said engineer shall fail to disapprove of any such plans and sections for a space of one month after the same shall have been submitted to him he shall be deemed to have approved of the same:

(2) If by reason of any works or proceedings of the Corporation or of their contractors or workmen or the failure leakage or bursting of the service tank (Work No. 2) by this Act authorised or the said line of pipes

No. 1 the said railway or any of the works or lands thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the Great Western Company may make good the same and recover the reasonable expense thereof from the Corporation and if any interruption shall be caused to the traffic on the said railway by reason of any works of the Corporation or of any such failure leakage or bursting as aforesaid the Corporation shall make good and repay to the Great Western Company any loss damage or expense which they may sustain or be put to by reason of the construction or failure of the said works or in respect of the interruption to the traffic on the said railway:

(3) The Corporation shall not without the consent in writing of the Great Western Company under their common seal purchase take enter upon or use temporarily or permanently any lands property or works of the Great Western Company or any estate right or easement privilege or authority in over or upon the same or alter vary or interfere with the said railway or any of the respective works thereof or thereto appertaining except that the Corporation may purchase and the Great Western Company may and shall sell and grant to the Corporation such easement or right as may be necessary for carrying the said line of pipes over the railway of the Great Western Company according to the provisions herein-before prescribed and for repairing maintaining and renewing the same and the works thereof at such crossing The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and the easement or right so to be taken shall be deemed to be land so far as respects the proceedings for the acquisition thereof and also for the purpose of any arbitration:

(4) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making or main-

A.D. 1907.

tenance of the said line of pipes over the said railway and property of the Great Western Company of a sufficient number of inspectors signalmen or watchmen for watching the said railway and works and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto:

(5) In case of any dispute between the Corporation and the Great Western Company touching any of the matters referred to in this section or of anything to be done hereunder such difference shall unless otherwise provided for be determined by an arbitrator to be appointed (unless otherwise agreed upon) upon the application of either party by the President of the Institution of Civil Engineers.

For protection of Plymouth and Dartmoor Railway Company.

18. For the protection of the Plymouth and Dartmoor Railway Company (in this section called "the company") the following provisions shall have effect unless otherwise agreed between the company and the Corporation (that is to say):—

(1) In laying down or in effecting the repairs and renewals of the line or lines of pipes No. 1 by this Act authorised under the railway or tramway of the company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and only according to plans to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Corporation and so as not to cause any injury to such railway or tramway or interruption to the passage or conduct of traffic thereon and if any such injury or interruption shall result from any of the acts or operations of the Corporation or the bursting leakage or failure of the said line or lines of pipes the Corporation shall make compensation in respect thereof to the company Provided always that if the engineer of the company shall for a period of fourteen days after plans have been submitted to him in accordance with the provisions of this section fail to signify his

disapproval thereof and his reasons for such disapproval he shall be deemed to have approved of the same:

(2) If any difference shall arise between the company and the Corporation under this section such difference shall unless otherwise agreed be settled by an engineer to be appointed by the Board of Trade on the application of either party.

Incorporation of certain provisions of Act of 1900.

19. The provisions contained in the sections of the Act of 1900 the numbers and marginal notes of which are set forth in this section are hereby incorporated with this Act and this Act shall be read and construed as if those provisions had been expressly re-enacted herein (that is to say):—

Section 20 (Persons under disability may grant easements &c.);

Section 21 (Power to appropriate lands for purposes of Act);

Section 24 (Power to retain sell &c. lands); and

Section 25 (Proceeds of sale of surplus lands);

and the said sections 24 and 25 shall be construed as applying to lands vested in the Corporation by the Act of 1902.

Byelaws for preventing pollution of water.

20.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) All byelaws made under this section shall be subject to the approval of the council of every district comprising any part of the area within which it is proposed that they shall be in force Provided that such consent shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(4) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed

A.D. 1907.

by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Water rates for domestic purposes.

21. From and after the first day of October one thousand nine hundred and seven section 19 (Water rates for domestic purposes) of the Act of 1902 shall be read and have effect as if in lieu of the words "Where such gross estimated rental exceeds eighty pounds the sum of seventy shillings" the following had been inserted therein (that is to say):—

Where such gross estimated rental exceeds eighty pounds and does not exceed ninety pounds the sum of seventy shillings;

Where such gross estimated rental exceeds ninety pounds and does not exceed one hundred pounds the sum of seventy-five shillings;

Where such gross estimated rental exceeds one hundred pounds and does not exceed one hundred and ten pounds the sum of eighty shillings;

Where such gross estimated rental exceeds one hundred and ten pounds and does not exceed one hundred and twenty pounds the sum of eighty-five shillings;

Where such gross estimated rental exceeds one hundred and twenty pounds and does not exceed one hundred and thirty pounds the sum of ninety shillings;

Where such gross estimated rental exceeds one hundred and thirty pounds and does not exceed one hundred and forty pounds the sum of ninety-five shillings;

Where such gross estimated rental exceeds one hundred and forty pounds and does not exceed one hundred and fifty pounds the sum of one hundred shillings; and

Where such gross estimated rental exceeds one hundred and fifty pounds at the rate or charge of three and a half per centum upon such gross estimated rental.

Alteration of dates for payment of water rates.

22. Section 70 (Rates to be paid quarterly) of the Waterworks Clauses Act 1847 shall in its application to the water undertaking be read and have effect as if instead of the words "at Christmas Day Lady Day Midsummer Day and Michaelmas Day" the words "on the first day of January first day of April first day of July and first day of October" were inserted therein.

Rates payable by owners of small houses.

23. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Supply to houses partly used for trade &c.

24. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Notice of discontinuance.

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

Part III.

Electricity.

Power to lay electric mains in streets not dedicated to public use.

26. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out but not dedicated to public use within the area within which the Corporation are for the time being authorised to supply electrical energy supply such premises with electrical energy and may in accordance with and subject to the provisions contained in the Orders of 1896 and 1898 so far as such provisions are applicable lay down take up alter relay or renew in across or along such street or road such electric mains cables and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street or road had been specified in the Third Schedule to the said Orders respectively but doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers.

Electricity consumers to give notice to Corporation before removing.

27.—(1) Twenty-four hours' notice in writing shall be given to the Corporation by every consumer before he shall quit any premises supplied with electrical energy by the Corporation and in default of such notice the consumer so quitting shall be liable

A.D. 1907.

to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be contained in or endorsed on every demand note for charges for electrical energy.

Materials and fittings supplied by Corporation to be free from distress.

28. No lamp meter electric line fitting apparatus or thing lent for hire by the Corporation under the provisions of section 36 (Power to supply electric fittings) of the Act of 1900 shall be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of law or equity or any proceeding in bankruptcy against the person or persons in whose possession the same may be Provided that such lamp meter electric line fitting apparatus or thing is marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

Expenses under this part of Act.

29. Any expenses incurred by the Corporation in carrying into effect the provisions of this part of this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

Part IV.

Streets and Buildings.

As to plans deposited with Corporation.

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

Approval of plan to be void after certain intervals.

31. The approval by the Corporation of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say):—

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

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

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

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

Corporation may define future line of existing streets.

32.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land full compensation for all damage loss or injury (if any) sustained by

A.D. 1907.

them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

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

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

No buildings allowed until street defined.

33. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Intersecting streets.

34. No new street shall be laid out of more than one hundred and fifty yards in length without an intersecting street Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to continuations of existing streets.

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

Power to vary position or direction of new streets.

36. The Corporation may by order vary or alter the intended position direction gradient or level of any intended new street for the purpose of causing it to communicate in a direct line or more direct line or at a more convenient angle or level with any other street adjoining or leading thereto The Corporation shall make compensation to all persons injuriously affected by the exercise of the powers of this section Any person who shall lay out a street and not adhere to or observe any order made by the Corporation under the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Power to declare where new streets begin and end.

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

Preventing formation of culs-de-sacs.

38. The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it would be unreasonable or impracticable for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Fencing lands adjoining streets.

39. If any land (other than land now forming part of any common) adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the town clerk to the owner or occupier of the same or without any notice if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred may be recovered from such owner or occupier summarily as a civil debt.

Trees or shrubs overhanging streets.

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

Recovery of damages caused to footways by excavation.

41. If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto the Corporation may repair

A.D. 1907.

or replace the footway so injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

As to urgent repairs to private streets.

42.—(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs insanitary conditions or danger to passengers or vehicles in such street exist the Corporation may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs in and upon such street as shall be specified in such notice.

(2) If such notice is not complied with the Corporation may if they think fit execute such repairs and the expenses thereof shall be recovered by the Corporation from the owner or owners in default and if there be more than one owner in proportion to their respective frontages as the same may be apportioned by the surveyor summarily as a civil debt.

Yards to be paved.

43. If any yard or open space in connexion with any dwelling-house erected before the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains the Corporation may give to the owner of such house notice in writing requiring him within fourteen days after such notice shall have been so given to proceed to form and to flag asphalte or pave such yard or open space for at least one hundred and fifty square feet immediately adjoining the offices of such house or for the whole extent of such yard or open space if the same be less than one hundred and fifty square feet so as to allow of the surface water being carried off to the drains and within twenty-eight days after such notice shall have been so given to complete such works and if such owner shall make default in complying with any of such requirements within the respective times aforesaid the Corporation may execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Corporation by such owner and may be recoverable summarily as a civil debt.

Elevation of buildings erected on front land to

44. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation

becomes front land shall be erected according to such elevation as the Corporation reasonably approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of six weeks after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence in pursuance of any requirement of the Corporation.

be subject to approval of Corporation.

45. From and after the passing of this Act—

What to be deemed new buildings.

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

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

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

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

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

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

A.D. 1907.

Byelaws as to building materials.

46. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Power to require watercourses on building land to be culverted.

47. If any watercourse or ditch situate upon land in the borough laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such land to substitute for such watercourse or ditch a pipe drain or culvert Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Exemption for certain railway property.

48. Nothing in this part of this Act shall apply to any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

Part V.

Sanitary.

Public conveniences and lavatories.

49. The powers of the Corporation under section 39 (Public necessaries) of the Public Health Act 1875 and section 20 (Sanitary conveniences for public accommodation) of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences and lavatories in or under any street repairable by the inhabitants at large for the use of the public and to use the soil of such street for those purposes and such powers shall also extend to authorise the Corporation to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents

and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Provisions as to houses without water supply.

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

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

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

Extension of section 41 of Public Health Act 1875.

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

Corporation may require old drains to be laid open for examination.

53. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any sewer of the Corporation the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Owners &c. to permit application of test to drains.

54.—(1) Whenever the medical officer has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or

A.D. 1907.

occupier after obtaining an order of a court of summary jurisdiction apply such test (except the test of water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such tests to be made shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) If the drains be found defective the owner or occupier of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the costs thereof from the owner or other person liable under the lease or contract summarily as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

(3) For the purposes of this section the word "drain" includes any sewer which is not vested in the Corporation.

Reconstruction of drains.

55. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws relating to the drainage of new buildings Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Provisions as to separate system of sewerage.

56.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called "a sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called "a surface water sewer").

(2) Where under the provisions of any Act for the time being in force in the borough the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly.

(3) Where in any street separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from

any premises into the surface water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation Any person offending against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

Byelaws as to water-closets &c.

57. The Corporation may make byelaws with respect to waterclosets and may by such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus for and the manner of flushing the same and the means to be provided for protecting the same from frost.

Apportionment of expense of sanitary works between different owners.

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

Power of entry.

59. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this part of this Act as if those purposes had been mentioned in the said section 102.

Part VI.

Infectious Diseases.

Dairymen to furnish lists of sources of their supply of milk and customers in certain cases.

60.—(1) If the medical officer shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to

A.D. 1907.

furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons with their addresses to whom he has within such six weeks supplied milk within the borough and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein.

(2) Every such person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dairymen to notify infectious disease existing among their servants.

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

Infected person not to carry on business &c.

62.—(1) No person suffering from infectious disease shall milk any animal the milk of which is intended for consumption within the borough or pick fruit intended for consumption within the borough or engage in any trade or business connected with food intended for consumption within the borough or carry on any trade or business in such a manner as to be likely to spread infectious disease within the borough.

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

Compensation to persons ceasing employment.

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

Protection against infection of books from public library.

64.—(1) No person shall take out of any public library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any such library any book which has been to his knowledge exposed to infection from infectious disease but he shall at once give notice that it has been exposed to infection to the inspector of nuisances and leave the book at the office of the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor or destroyed and if destroyed the Corporation shall pay to the owner thereof its value.

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

Filthy and dangerous articles to be purified.

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

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

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

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

Part VII.

Milk Provisions.

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

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

Obligation to notify cases of tuberculosis.

69. Every dairyman who supplies milk within the borough and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name

A.D. 1907.

and address and the situation of the dairy or premises where the cow is.

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

Power to take samples of milk.

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

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

Power to inspect cows and to take samples of milk.

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

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

(C) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being

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

(d) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

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

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

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

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

Appeal.

72. The dairyman may appeal against an order of the Corporation made under the last preceding section or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the borough or at his option if the dairy is situate outside the borough to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal The officer shall fix a time and place of hearing

A.D. 1907.

within the borough and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing The said officer shall for the purposes of the appeal have all the powers of a petty sessional court.

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

The court or the Board of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

Compensation to dairyman.

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

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

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

Notice of provisions of this part of Act

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

Procedure.

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

As to expenses.

76. All expenses incurred by the Corporation in carrying into execution the provisions of this part of this Act shall be chargeable upon the fund and rate liable for the sanitary expenditure of the Corporation and they may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the borough Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Execution of this part of Act by committee.

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

Part VIII.

Finance.

Power to borrow.

78. The Corporation may independently of any other borrowing powers borrow at interest any sum or sums of money for the purposes and to an amount not exceeding the amounts herein-after mentioned (that is to say) :—

On the security of the borough fund and borough rate and the district fund and general district rate or any of them—

(A) For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose :

On the security of the revenue of the water undertaking and the district fund and general district rate—

(B) For the purchase of land and easements for the waterworks and for the construction of the service tank reservoir and filter bed by this Act authorised the sum of thirty-nine thousand pounds ;

(C) For the construction of the lines of pipes by this Act authorised the sum of twenty-two thousand pounds ; and

(D) For the lining of portions of the existing leat of the Corporation the sum of eleven thousand pounds :

A.D. 1907.

And the Corporation may with the sanction of the Local Government Board borrow on such security as that Board may prescribe such further moneys as the Corporation may require for any of the purposes of this Act Provided that the provisions of this section shall not limit the power conferred upon the Corporation by section 35 (Powers to use one form of mortgage for all purposes) of the Devonport Corporation (General Powers) Act 1902 to charge the whole of their revenues as the security for moneys so borrowed nor shall they affect the provisions of the section of this Act whereof the marginal note is "Provisions as to raising money by bills" whereby the payment of the sum expressed in any bill issued under that section is charged on all the revenues of the Corporation.

Periods for payment off of money borrowed.

79. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act whereof the marginal note is "Power to borrow" within five years from the date of the passing of this Act;

As to moneys borrowed for the purpose (B) mentioned in the said section within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (C) and (D) mentioned in the said section within forty years from the date or dates of borrowing the same;

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

Incorporation of certain financial provisions of Act of 1900.

80. The provisions contained in the sections of the Act of 1900 the numbers and marginal notes of which are set forth in this section are hereby incorporated with this Act and this Act shall be read and construed as if those provisions had been expressly re-enacted herein (that is to say):—

Section 63 (Mode of raising money);

Section 64 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 65 (Provisions of Public Health Act as to mortgages to apply);

Section 67 (Mode of payment off of money borrowed);

Section 68 (Power to re-borrow);
Section 69 (Protection of lender from inquiry);
Section 70 (Application of moneys borrowed);
Section 71 (Saving for existing charges);
Section 73 (Annual return to Local Government Board);
Section 76 (Corporation not to regard trusts); and
Section 88 (Audit of accounts):

Provided that the said section 73 shall extend and apply with the necessary modifications to all sums borrowed or to be borrowed by the Corporation for the purposes mentioned in the section of this Act whereof the marginal note is "Exclusion of certain loans from Public Health Act 1875":

Provided also that nothing in this Act or in any enactment incorporated therewith shall limit the powers conferred upon the Corporation by section 35 (Powers to use one form of mortgage for all purposes) of the Devonport Corporation (General Powers) Act 1902.

As to rates in St. Budeaux.

81. Notwithstanding anything contained in this Act no deduction or addition under or for the purposes (B) (C) and (D) mentioned in the section of this Act whereof the marginal note is "Power to borrow" shall be made from or to any general district rate to be levied in those parts of the borough which formerly constituted a part of the parish of St. Budeaux and were added to the borough by the Devonport (Extension) Order 1898 unless and until the said parts of the borough are supplied with water by the Corporation.

Postponement of sinking fund &c.

82. Notwithstanding anything contained in section 67 (Mode of payment off of money borrowed) of the Act of 1900 or in this Act or in any enactment incorporated therewith it shall not be obligatory upon the Corporation to make the first payment to the sinking fund or to pay the first instalment of principal for the repayment of any moneys borrowed for the purposes (B) and (C) mentioned in the section of this Act whereof the marginal note is "Power to borrow" until the completion of the works by this Act authorised or until the expiration of a period of five years from the passing of this Act whichever shall first occur and the said section 67 shall in its application to moneys borrowed for the said purposes (B) and (C) be read and have effect accordingly.

Exclusion of certain loans from Public

83. In calculating the amount which the Corporation may borrow under the Public Health Act 1875 the sums already borrowed

A.D. 1907.

Health Act 1875.

and the sums which may hereafter be borrowed by the Corporation for the purposes of the electrical undertaking under the Electric Lighting Act 1882 or the Order of 1896 or the Order of 1898 shall not be reckoned.

Period for repayment of loans under Municipal Corporations Act 1882.

84. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money which may hereafter be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Local Government Board shall in each case prescribe.

Postponement of repayment of certain borrowed moneys.

85. The periods within which repayment shall be made of the loans sanctioned by the Local Government Board mentioned in the first column of the schedule to this Act shall as to the balances still outstanding be the extended periods from the dates when such loans were first raised respectively mentioned in the fifth column of the said schedule and the said extended periods shall for all purposes be deemed to be substituted for the periods originally sanctioned for the repayment of the said loans Any sums now in any sinking fund or redemption fund in respect of any of the said loans shall be applicable only in part repayment thereof and pending such application shall be dealt with as part of such fund and shall be taken into account in calculating the payments to be hereafter made to such fund Provided that in regard to any of the said loans which have been raised by the issue of stock under the Stock Regulations 1891 1897 and 1901 the Local Government Board may make an order varying any order or scheme of consolidation made by them under the said regulations so as to give effect to the provisions of this section but nothing herein contained shall affect the powers of the said Board as to the inclusion of the said loans or any of them in a scheme of consolidation under the said regulations.

As to application of markets revenue.

86. From and after the passing of this Act section 51 (Application of revenue) of the Act of 1900 shall be read and have effect as if the words "district fund" had been inserted therein in lieu of the words "borough fund."

As to gas water and electricity reserve funds.

87. Notwithstanding anything contained in section 45 (Application of gas revenue) of the Devonport Corporation (Gas) Act 1901 and in section 32 (Application of water revenue) of the Act of 1902 or in section 52 (Application of revenue) of the Order of 1896 the reserve funds therein respectively referred to may be accumulated at compound interest until in each case the fund so formed amounts to the maximum reserve fund for the time

being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Corporation upon their gas undertaking or the water undertaking or the electrical undertaking as the case may be.

Provisions as to raising money by bills.

88. Instead of raising for any purposes by the creation and issue of stock or of mortgages money which they are authorised to raise by either of those methods (whether under this Act or any other Act of Parliament or otherwise howsoever) the Corporation may if they see fit raise for those purposes such money by means of bills subject to and in accordance with the following provisions :—

(1) Bills issued by the Corporation shall be called "Devonport Corporation bills":

(2) A Devonport Corporation bill shall be a bill in the form prescribed by regulations made in pursuance of this Act for the payment of the sum named therein in the manner and at the date therein mentioned so that the date be not less than three or more than twelve months from the date of the bill:

(3) Such bills may be offered for purchase by tender in such manner on such conditions and after public advertisement in such manner as the Corporation determine:

(4) The bills shall be issued under the authority of a warrant sealed by the Corporation:

(5) Each bill shall be for the amount directed by the Corporation not being less than one thousand pounds:

(6) Each bill shall be under the seal of the Corporation:

(7) A register of the bills issued or renewed by the Corporation shall be kept by the town clerk or such other person as may be appointed by the Corporation and such register shall show the amount of each bill the principal money raised by such bill the statutory borrowing power in respect of which the bill is issued the date of issue the date when the same falls due and the date of payment thereof Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the Corporation:

(8) The Corporation shall not issue bills payable to bearer:

(9) The Corporation shall before issuing any bill under this Act and from time to time make regulations with

A.D. 1907.

respect to bills subject to and in accordance with this Act and shall furnish to the Local Government Board a copy of any regulations so made Such regulations shall provide—

(A) For regulating the preparation form mode of issue mode of payment and cancellation of bills;

(B) For regulating the issue of a new bill in lieu of one defaced lost or destroyed;

(C) For preventing by the use of counterfoils or of a special description of paper or otherwise fraud in relation to bills;

(D) For the proper discharge to be given upon the payment of a bill:

(10) The Corporation may enter into such arrangements with any bank for carrying into effect the provisions of this Act with respect to the issue of bills and to the payment of the principal sum named therein and to all matters relating thereto and for the proper remuneration of such bank with reference thereto as they may think proper Such remuneration shall be apportioned between the several funds or rates to which the principal moneys raised by the bill are chargeable:

(11) The amount of money received by the Corporation in respect of a bill shall be deemed to be principal money raised by means of such bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

(12) The Corporation shall provide from the same source and pay at the appropriate times into a sinking fund or sinking funds the same sums for repayment of the principal money so raised as they would have done if mortgages of the same amount had been issued and such fund or funds shall be dealt with in the same manner as if the same were a mortgage sinking fund and the Corporation shall pay the interest on the principal money out of the fund or rate to which the principal money so raised is charged:

(13) The aggregate amount payable on bills current at any one time shall not exceed the sum of one hundred thousand pounds except by the amount payable on bills

issued shortly before any other bills fall due in order to pay off those bills:

(14) The Corporation may subject to the provisions of the preceding subsection renew bills at maturity:

(15) Money raised by the issue of bills shall be employed by the Corporation for the purposes of the several statutory borrowing powers in respect of which the bills are respectively issued:

(16) For the repayment of the principal money raised by bills the Corporation may raise money by the creation and issue of stock under and in accordance with the provisions of Part V. of the Public Health Acts Amendment Act 1890 or by the issue of mortgages or further bills but save as aforesaid the powers given to the Corporation to raise moneys by the creation of stock or mortgages shall be suspended to the extent to which moneys have been raised by the issue of bills:

(17) A Devonport Corporation bill shall entitle the holder to payment at maturity of the sum expressed in such bill to be payable and shall be charged on all the revenues of the Corporation:

(18) The treasurer shall within twenty-one days after the thirty-first day of March in any year during which any bills have been issued paid off or are outstanding under this section transmit to the Local Government Board a return in such form as the Board may prescribe and containing all such particulars as they may require in regard to the issue and payment of bills by the Corporation.

Part IX.

Miscellaneous.

Persons acting in execution of Act not to be personally liable.

89. No matter or thing done or contract entered into by the Corporation and no matter or thing done by the town clerk or by any member officer or clerk of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer clerk or person acting as last aforesaid shall

A.D. 1907.

be borne and repaid out of any of the funds at the disposal of the Corporation.

Confirmation of byelaws.

90. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws made by the Corporation under the powers of this Act except byelaws to which any other provisions are applied by this Act.

Informations by whom to be laid.

91. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk.

Recovery of penalties &c.

92. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Consents of Corporation to be in writing.

93. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

Evidence of appointments authority &c.

94. Where in any legal proceedings taken by or on behalf of the Corporation whether under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution of the council or of any committee of the council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the mayor or town clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Recovery of demands.

95. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Saving for indictments &c.

96. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

As to appeals.

97. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal.

Incorporation of certain further provisions of Act of 1900.

98. The provisions contained in the sections of the Act of 1900 the numbers and marginal notes of which are set forth in this section are hereby incorporated with this Act and this Act shall be read and construed as if those provisions had been expressly re-enacted herein (that is to say):—

Section 95 (Authentication and service of notices);
Section 97 (Compensation how to be determined);
Section 98 (Damages and charges in case of dispute to be settled by justices);
Section 101 (Penalties to be paid over to the treasurer &c.);
Section 102 (Judges not disqualified);
Section 104 (Inquiries by Local Government Board);
Section 105 (Powers of Act cumulative); and
Section 106 (Expenses of execution of Act).

Repeal of section 86 of Act of 1900.

99. Section 86 (Recovery of rates) of the Act of 1900 is hereby repealed.

Crown rights.

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

Costs of Act.

101. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

A.D. 1907.

The SCHEDULE referred to in the foregoing Act.

Schedule of Loans the Periods for Repayment of which are extended by this Act.

(1) Purpose for which Loan sanctioned.	(2) Date of Sanction.	(3) Amount of Loan sanctioned.	(4) Period from Date of borrowing originally sanctioned for Repayment.	(5) Period for Repayment as extended by this Act.
		£	Years.	Years.
Municipal Corporations Act 1882.				
1. Site for new guildhall - -	29th June 1898	9,250	30	60
2. Site for municipal buildings at St. Budeaux - -	31st July 1902	525	30	60
3. Site for police station at St. Budeaux - -	31st July 1902	1,000	30	60
Technical Instruction Act 1889.				
4. Technical school - -	9th Dec. 1896	14,000	30	40
Public Health Act 1875.				
5. Devonport Park—site -	27th Oct. 1891	5,200	50	60
6. Victoria Park—site - -	23rd Nov. 1891	2,221	45	60
7. Camel's Head Embankment	12th Nov. 1901	3,011	50	60
8. Store Yard—pottery quay -	12th Nov. 1901	3,728	50	60
Public Health (Interments) Act 1879.				
9. Cemetery—site - -	16th Sept. 1899	12,206	50	60
10. ,, foreshore -	27th Aug. 1900	580	50	60
11. ,, surplus lands -	19th Dec. 1903	7,680	50 from 1900	60
12. ,, ,, -	19th Dec. 1903	6,322	50	60

Printed by Eyre and Spottiswoode,
for
Rowland Bailey, Esq., I.S.O., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Wyman and Sons, Ltd., Fetter Lane, E.C.; or
Oliver and Boyd, Tweeddale Court, Edinburgh; or
E. Ponsonby, 116, Grafton Street, Dublin.