CHAPTER cxxiv.

An Act to confer further powers upon the Urban District Council for the District of East Ham in the County of Essex. A.D. 1898.

[25th July 1898.]

WHEREAS the district of East Ham in the county of Essex is an urban district within the meaning of the Local Government Act 1894 and is under the management of the East Ham Urban District Council:

And whereas the population of the district has more than sextupled during the last twenty years and owing to its proximity to the metropolis is increasing at a rapid rate:

And whereas there are extensive docks and chemical works within the district and a large number of factories workshops and other places of employment immediately surrounding it:

And whereas it is expedient that better provision should be made with reference to streets and buildings within the district and that the powers of the Council in relation to the health the local government and the improvement of the district should be enlarged:

And whereas it is expedient that the Council should be empowered to work any tramways within the district belonging to them by mechanical or other traction:

And whereas there is within the district a quantity of roadside waste and doubts exist with regard to the rights in or affecting the same and it is expedient in the interests of the inhabitants of the district and with a view to the avoidance of litigation that provision should be made for vesting all public rights over certain portions of such roadside waste in the Council:

And whereas the district is supplied with water by the East London Water Company and it is desirable that for purposes of public health and for extinction of fires the Council should be the metropolitan authority for the purposes of the Metropolis Water Acts 1852 and 1871:

[*Price* 2*s.* 9*d.*]

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And whereas it is expedient that special provisions should be conferred upon the Council to enable them to deal with indecent shows and to prevent betting:

And whereas it is desirable that the Council should be empowered to borrow money for the purchase of land for and the erection of a town hall and public offices and for the purchase and improvement of the tramways aforesaid and estimates have been prepared by the Council for and incidental to these purposes and they amount to the sum following (that is to say):—

For the purchase of land and erection of a town hall and other buildings - - - - £60,000

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the second day of November 1897 after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the East Ham Echo a local newspaper published and circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged upon the general district rate:

And whereas such 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 eighteenth day of January 1898 being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

Preliminary.

Short title.

1. This Act may be cited for all purposes as the East Ham Improvement Act 1898.

Incorporation of Acts.

2. The provisions of section 3 (Interpretation of terms) section 19 (Power to lease or take tolls) and Parts II. and III. of

the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act.

Interpretation.

3. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say) :—

"The district" means the urban district of East Ham in the county of Essex :

"The Council" means the urban district council of the district :

"The clerk" "the surveyor" "the treasurer" "the medical officer of health" "the inspector of nuisances" mean respectively the clerk the surveyor the treasurer the medical officer of health and any inspector of nuisances for the district and "office" in relation to any of the said officers means the office of such officer at the district council office or town hall or at such other place as the Council may appoint :

"Mechanical power" includes steam electric and every other motive power :

"Engine" includes motor :

"Structure" means any building wall bridge (except county bridges) fence railing balcony hoarding scaffold platform stack of bricks or of timber pier pillar post door gate or other such erection construction or thing but shall not include any telegraphic or telephonic standard posts or other apparatus :

"Ground floor" used with reference to any building means that floor thereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building :

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

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house or building which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression "sky sign" shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any

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house or building of any kind or on or over any street or public way but shall not be deemed to include—

(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;

(2) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported; or

(3) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place:

"Sanitary convenience" includes urinals waterclosets earthclosets pan-closets privies ashpits and any similar convenience:

"Dairyman" and "dairy" shall have the same meaning as in section 2 of the Infectious Disease (Prevention) Act 1890:

"Daily penalty" means a penalty for each day on which an offence is continued after conviction thereof:

The expressions "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a simple contract debt and not a debt or demand created by statute:

The several words and expressions to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act (except where otherwise expressly provided) the same respective meanings unless there be something in the subject or context repugnant to such construction.

Limits of Act.

4. The limits of this Act for all purposes shall be the district.

Tramways.

Power to Council to work tramways.

5. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place or run carriages on and may demand and take tolls and charges in respect of any tramways within the

district belonging to the Council or authorised to be constructed by them or hereafter purchased by them and in respect of the use of such carriages and may provide such stables buildings and carriages motor cars harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences and may construct and place all such works poles posts and boxes in on and under and all such electric lines along or over any streets in the district as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required and all works to be executed by the Council in pursuance of the powers of this section shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Power to combine with other authorities.

6. The Council may enter into and carry into effect agreements with any neighbouring local authority or with any company working tramways in any neighbouring district for the more effective or economical working of the tramways within the district by combination with such neighbouring authority or company and may in pursuance of any such agreement grant running powers over the tramways of the Council or run the tramcars belonging to the Council outside the district and may demand and take tolls and charges in respect thereof but no such agreement shall without the consent in writing of the London County Council be operative as regards any tramway within the county of London.

Provisions as to motive power.

7. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electric power:

(3) The Council or any other local authority company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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(4) The Board of Trade if they are of opinion—

(*a*) That the Council or any other local authority company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Council or any other local authority company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Council or any other local authority company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electric power.

8. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Council shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any

electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(5) If any difference arises between the Council and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(7) The expression "Council" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Council.

Saving for railway companies.

9. Seven days before commencing to lay down any electric circuit under over or along any property belonging to any railway company whereby the work of telegraphic telephonic or electric signalling communication or any other electric appliances through any wires or lines lawfully laid down or placed in any position by such company may be injuriously affected the Council or their lessees shall unless otherwise agreed with the company give to the company notice in writing specifying the course nature and gauge of such electric circuit and the amount and nature of the current intended to be sent along the same.

For protection of corporation of West Ham.

10. For the protection of the mayor aldermen and burgesses of the county borough of West Ham (in this section referred to respectively as "the corporation" and "the borough") the following provisions shall have effect:—

(1) The Council and the corporation shall each respectively if required by the other permit all necessary and convenient junctions and communications to be made and maintained between the tramways of the Council and the tramways of the corporation and shall each respectively if required by the other

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grant to the other and to their respective assignees lessees and licencees all such reasonable running powers and traffic facilities over and on their respective tramways upon such terms and conditions as to payment compensation or otherwise as may be agreed upon between them or in case of difference as shall be settled by an arbitrator to be appointed as occasion arises on the application of either party by the Board of Trade:

(2) The Council or the corporation as the case may be shall and will use their best endeavours to cause to be inserted in any Provisional Order or Act of Parliament which may be obtained by or for them authorising them to construct any tramways or tramway extensions or additions within or partly within their respective districts and in any Provisional Order or Act of Parliament which may be obtained by or for any company or person authorising the construction by such company or person of tramways or tramway extensions or additions within or partly within their respective districts provisions for giving effect to the provisions of subsection 1 of this section with regard to the tramways or tramway extensions or additions so to be authorised Provided that in case of any such Provisional Order or Act of Parliament being made or confirmed and passed the provisions of subsection 1 of this section shall not apply to the tramways or tramway extensions or additions by such Provisional Order or Act of Parliament authorised except in the event of such provisions being inserted therein.

For protection of Postmaster-General.

11. In the event of any tramways of the Council being worked by electricity the following provisions shall have effect:—

(1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Council have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Council shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking of the Council the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) (a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(b) Any difference which arises between the Postmaster-General and the Council or their agents with respect to any requirements so made shall be determined by arbitration:

(4) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(5) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(6) For the purposes of this section a telegraph line of the Postmaster-General shall be deemed to be injuriously affected

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by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Council were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section:

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act:

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Council" includes their lessees and any person owning working or running carriages on any of the tramways of the Council.

Byelaws.

12. The byelaws and regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Council be made by the Council alone.

Tolls and charges.

13. Subject as aforesaid the provisions for the time being in force with respect to the working of the said tramways and the taking of tolls rates and charges therefor shall extend and apply to the tramways for the time being so worked by the Council and to the Council in relation thereto.

Roadside Waste.

Power to deal with roadside waste.

14. Notwithstanding section 11 (1) of the Local Government Act 1888 or section 26 of the Local Government Act 1894

all public rights over the roadside waste within the district and shown upon the plan signed by the Honourable Sir Stafford Northcote Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and thereon coloured green and which is not required for the purpose of free passage along any highway shall vest in the Council and the Council may plant any part of such waste not so required with trees and shrubs and for that purpose may enclose such part or if in their opinion it may be desirable so to do in the interest of the district they may sell all or any of such rights.

For protection of Postmaster-General.

15.—(1) Nothing in the last preceding section of this Act shall take away or prejudicially affect the rights of the Postmaster-General under the Telegraph Acts 1863 to 1897 to place and maintain telegraphic lines in under upon along over or across any roadside wastes shown upon the plan therein mentioned and if the Council enclose any such roadside waste or plant the same with trees or shrubs they shall not alter or cause any interference with any telegraphic line of the Postmaster-General existing on any such roadside waste or prevent the Postmaster-General exercising all such rights as aforesaid under over along or across such roadside waste.

(2) In the event of the sale of any public rights over such roadside waste as aforesaid in under upon along over or across which any telegraphic line of the Postmaster-General may be placed the Council shall provide for the removal of such telegraphic line to another part of the public road and shall pay all expenses incurred by the Postmaster-General in such removal.

(3) The expression "telegraphic line" has the same meaning in this section as in the Telegraph Act 1888.

As to covering in of ditches &c.

16. If any watercourse or ditch in the district situate upon land laid out for building or on which any such land abuts requires in the opinion of the Council to be wholly or partially filled up or covered over the Council may by notice in writing require the owner of such land before any building is commenced or proceeded with to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch a pipe drain or culvert with all necessary shoots and means of conveying surface water thereinto All works required by the Council to be done under this section shall be completed to the satisfaction of the surveyor before any building operations on such land are proceeded with Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

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Provided that nothing in this section shall authorise the Council to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land laid out for building without the consent of such person.

Council may take proceedings for preventing obstructions in watercourses.

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

For protection of Havering Level Commissioners.

18. Nothing in this Act contained shall authorise or empower the Council to interfere with any sewer or work within and under and subject to the jurisdiction of the commissioners of sewers for the levels of Havering and Dagenham Ripple Barking East Ham Leyton and Walthamstow without the consent of the said commissioners previously obtained in writing upon request of the Council.

New Streets.

As to plans &c. deposited with the Council.

19. The Council 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 district or any byelaw thereunder respectively.

Deposit of plan to be void after certain intervals.

20. The deposit with the Council of any plan 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 be not commenced within the following periods (that is to say):—

As to plans deposited after the passing of this Act within three years from the date of such deposit;

As to plans deposited before the passing of this Act within three years from the passing of this Act:

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

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

Intersecting streets.

21. No new street shall be laid out more than three hundred yards in length without an intersecting street And where any

such new street is laid out parallel with and not more than one hundred and fifty yards from any other street there shall be an intersecting street between such streets at each end thereof respectively.

No buildings allowed until street formed &c.

22. No person 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 the satisfaction of the Council to indicate the approved line and level thereof And where any such street has been so defined no new building abutting on any such street or the curtilage whereof shall so abut shall be let or sold as a dwelling-house until such street or so much thereof as shall be necessary for forming a proper approach to such building shall have been properly made up with hard core and gravel properly rammed down drained and levelled to the satisfaction of the surveyor 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.

Council may define future line of streets.

23.—(1) Where any street in the district for the time being repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council 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 The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by 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 Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

(2) The Council may and at the request of the owner shall purchase the land lying between any such line as aforesaid and the street and the same when purchased shall vest in the Council as part of the street.

(3) Whenever in any of the above cases the Council 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 or building and to all other persons interested in any such land or building for any loss or damage they may sustain in consequence

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of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council 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 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.

Power to vary position or direction of new streets.

24. The Council may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Council may declare where streets begin and end.

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

Crossings for horses or vehicles &c. over footways.

26. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each offence be liable to a penalty not exceeding forty shillings.

Waste land to be fenced.

27. If any land other than land now forming part of any common adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and

such land is in the opinion of the Council owing to the absence or inadequate repair of any such fence a source of danger to passengers or is or may be 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 surveyor to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction.

Gardens forecourts &c. to be fenced off from streets.

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

Trees or shrubs overhanging streets.

29. Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance with the notice may carry out the requirements of such notice provided they thereby do no unnecessary damage.

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

30. All buildings or parts of buildings which may in future be erected on the site of any building or any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they

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shall be deemed to have approved thereof The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Height of buildings.

31. No new building shall without the approval of the Council be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Council shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of any building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Erection of buildings to greater height than adjoining buildings.

32. In case any building is after the passing of this Act erected or raised to a greater height than any adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Height of chimneys.

33. With respect to the height of chimneys the following provisions shall have effect (that is to say) :—

(1) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing house dye house gasworks corn mill foundry or buildings used for manufacturing purposes or for the carrying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto and in all cases where any chimney serves the furnace of a steam engine the chimney shall be raised to an additional height from such level adapted to the power of such

engine according to the following scale (that is to say) If such steam engine be of more than six horse-power and do not exceed thirty horse-power the height of such chimney shall not be less than eighty feet if such steam engine be more than thirty horse-power and do not exceed forty horse-power the height of such chimney shall not be less than one hundred and ten feet and if such steam engine be more than forty horse-power the height of such chimney shall not be less than one hundred and twenty feet:

(2) All steam ejected from any fixed steam engine or the boiler thereof and all spent and ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public:

(3) The foregoing provisions of this section shall not apply to locomotives used upon any railway or to any portable steam engines or to traction engines steam rollers or fire engines or to any chimneys used exclusively for casting or puddling furnaces:

(4) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Yards to be paved.

34. If any yard or open space in connexion with any 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 of such house the Council may give to the owner of such house notice in writing requiring him within seven 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 square feet immediately adjoining such house so as to allow of the surface water being carried off to the drains of such house and within twenty-one days after such notice shall have been so given to complete such several works to the satisfaction of the Council and if such owner shall make default in complying with any of such requirements to the satisfaction of the Council within the respective times aforesaid the Council may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Council by such owner and shall be recoverable summarily and until payment shall be a charge upon the premises.

Entrances to courts not to be closed.

35. The entrance to any court not being a highway repairable by the Council shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered.

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NEW BUILDINGS.

What to be deemed new buildings.

36. From and after the passing of this Act—

The erection of any building;

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof;

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

The conversion into one dwelling-house of two or more dwelling-houses constructed originally as two or more dwelling-houses;

The conversion into two or more dwelling-houses of any building constructed originally as one dwelling-house;

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

The reconversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than a dwelling-house;

The conversion into a dwelling room of any room or part of a room used as a shop;

The making of any addition to any existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

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

shall for all the purposes of this part 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."

Exemption of certain buildings.

37. Without prejudice to any existing right of Her Majesty there shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

As to temporary and move-

38.—(1) Before any person erects or sets up any temporary or moveable building (not being a new building within the meaning of

this Act) he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended. able buildings.

(2) The Council shall within twenty-one days after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Council may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of the said twenty-one days without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Council may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section :—

(*a*) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district in respect to new buildings and any tent or stand not remaining for more than seven days ;

(*b*) Any wooden or other structure or erection of a moveable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense

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incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion ; and

(*c*) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition or right of light.

Byelaws as to building materials.

39. The Council may make byelaws with respect to the materials with which new buildings shall be constructed and with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

Dangerous Structures.

Extending provisions of section 75 of Towns Improvement Clauses Act 1847.

40. Section 75 of the Towns Improvement Clauses Act 1847 shall extend and apply to any structure which is deemed by the surveyor to be dangerous to passengers or to the occupiers of any building Provided that nothing in the said section contained shall render it incumbent upon the surveyor to cause a hoard or fence to be put up in the case of a dangerous chimney.

Prevention and removal of projections over streets.

41. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the district extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Council may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Regulations as to sky signs.

42. It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed Provided that in any of the following cases a licence of the Council under this section shall become void (namely) :—

(1) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor ;

(2) If any change be made in the sky sign or any part thereof ;

(3) If the sky sign or any part thereof fall either through accident decay or any other cause ;

(4) If any addition or alteration be made to or in the house building or erection on over or to which any sky sign is placed or

attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;

(5) If the house building or erection over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequences as to the recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847:

Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Recreation Grounds.

Council may erect buildings &c.

43. The Council may in any public park garden or recreation ground belonging to them or under their control and management erect maintain furnish and equip and may acquire refreshment and reading rooms pavilions and other buildings and conveniences which may be required or convenient for the purposes of such park garden or recreation ground and the public resorting thereto and may charge for admission to such reading rooms pavilions and other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Council shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to Council to let refreshment rooms &c.

44. The Council may let any refreshment room with its appurtenances belonging to them or under their control to such person for such term (not exceeding three years) at such rent payable at such times and under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Council may think fit.

Council may let pavilions &c.

45. The Council may let any pavilions or other buildings belonging to them or under their control for meetings or entertain-

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ments and may make such charge for the use thereof and impose such conditions as they may think fit.

Power to provide apparatus for games.

46. The Council may provide apparatus for playing games and recreation for the use of the public frequenting any public park garden and recreation ground within the district and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and the payment for the use of such apparatus.

Application of moneys received from admissions to public recreation grounds &c.

47. The moneys (if any) received from the admission of any persons to any public park garden or recreation ground belonging to the Council or under their control and management or any reading room assembly room pavilion or building or from the letting of any refreshment rooms or other buildings or from the letting of any apparatus as herein-before mentioned shall after providing for the maintenance of such park garden and recreation ground or any of them be carried to the credit of the district fund.

Public bands.

48. The Council may pay or contribute out of the general district rate towards the payment of a public band of music to perform in any public park garden or recreation ground or other place of public resort within the district as the Council may prescribe such a sum as they may think fit provided that the amount of such payment or contribution shall not in any one year exceed an amount which would be produced by a rate of one halfpenny in the pound on the assessable value of the district to the general district rate.

Power to set apart land for games.

49. The Council may set apart any portion of any public park garden or recreation ground belonging to them or under their control and management for cricket football lawn tennis archery or other games or for the drill of volunteers yeomanry or cadets or any military or police force or for the delivery of speeches or the holding of meetings on matters of public or local interest but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws with respect to the use of the portion of the public park garden or recreation ground so set apart.

Power to Council to appoint officers.

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

WATER SUPPLY.

Constant supply of water.

51. The provisions of the Metropolis Water Acts of 1852 and 1871 relating to a constant supply shall apply within the East London Water Company's limits for the supply of water so far as the same are within the district of the Council as if that district had been included within the limits prescribed by section 4 of the Act of 1871 provided that for the purpose of any application under the said Acts the Council shall be deemed to be the metropolitan authority in those provisions mentioned.

SANITARY PROVISIONS.

Council may order houses &c. to be drained by a combined operation.

52. If it appear to the Council that two or more houses plans for which have been approved after the twenty-sixth day of April one thousand eight hundred and ninety-eight may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall if constructed by the Council be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and may be recovered by the Council from such owners or occupiers in a summary manner before a court of summary jurisdiction.

As to separate sewers.

53. Where in any street separate sewers have been provided and are maintained for surface water and for sewage no sewage shall be allowed to pass into the surface-water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewer Provided that in the case of any house or premises existing at the time of the provision of such separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient to effectually drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface-water drainage thereof Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Wilful damage to drains.

54. If any person cause any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply

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

Inspection of drains &c.

55. The Council if they have reasonable grounds for believing the existence of a nuisance may inspect any drain sanitary convenience or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and for that purpose or for the purpose of ascertaining the course of any such drain or work the surveyor medical officer of health or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twenty-four hours' notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus is attached or on which the same is situate or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer of health or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer of health or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds If such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work and apparatus be found on inspection as aforesaid to be properly made in accordance with the Acts and byelaws and regulations in force within the district and in proper order and condition the Council shall cause the same to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination If upon such inspection any drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus appear not to have been properly made as aforesaid or to be in bad order and condition or to require cleansing alteration or amendment or to be filled up the Council shall cause

notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made or in the case of a drain to the owner or owners occupier or occupiers of the premises which are drained into such drain requiring him or them forthwith or within a reasonable time specified in the notice to do what is necessary to place the drain or work in proper order and condition and if such notice is not complied with the said owner or owners or occupier or occupiers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person or persons in default in a summary manner and if more than one in such shares and proportions as shall be settled by the surveyor or in case of dispute by a court of summary jurisdiction.

For the purposes of this section the expression "drain" shall include any drain within the meaning of section 19 of the Public Health Acts Amendment Act 1890.

Cleansing of cisterns &c.

56. The Council may from time to time make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles used for storing water used or likely to be used for drinking or domestic purposes or for manufacturing drink of any sort.

Provisions as to houses without proper water supply.

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

Council may require removal or alteration of urinals.

58. If any urinal or other sanitary convenience now or hereafter opening on any street shall in the opinion of the Council be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove such urinal or convenience Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings Provided that nothing in this section contained shall extend or apply to any urinal or convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

Urinals to be attached to refreshment houses &c.

59. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house

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beer-house eating-house or other place of public entertainment to provide and maintain on the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Council Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

As to underground rooms.

60. The provisions of sections 96 97 and 98 of the Public Health (London) Act 1891 shall extend and apply to all underground rooms which were not let or occupied separately as a dwelling-house before the passing of this Act within the district and for the purposes of such application the Council shall be deemed to be the sanitary authority referred to in those sections.

Extending section 72 of Public Health Act 1875 to cellars not let or occupied for hire or rent.

61. The provisions of section 73 of the Public Health Act 1875 shall extend and apply to every person letting occupying or knowingly suffering to be occupied any cellar dwelling which does not conform with the requirements of section 72 of that Act although such cellar dwelling is not let or occupied or suffered to be occupied for hire or rent.

Lighting of common stairs &c.

62. The owner or owners of common stairs or passages open to the public or private courts or of houses or buildings in or entering or having a right of access by any common stairs or passage or private court shall provide fit and maintain and renew in or on such common stairs passages or private courts all necessary lamps brackets and other means of lighting and all necessary means of extinguishing the light and shall provide the necessary supply of gas or other light as may be required by the Council therefor and such owner or owners shall further on being required by the Council within fourteen days next after service of an order for that purpose provide and fit up in such common stairs passages or private courts such number of lamps brackets and other means of lighting and all such means of extinguishing the light as the Council may determine and provide the necessary supply of gas and other light as may be required by the Council and shall maintain alter repair and renew such lamps and brackets to the satisfaction of the Council and shall in all cases clean light and extinguish the lights in such lamps and brackets at such time or times as the Council may require and in default of compliance with any order of the Council under this section such owner or owners shall each only in respect of any act or default of his own be liable to a penalty not exceeding forty shillings and a daily penalty of a like amount.

Council may supply light and charge owner.

63. The Council may in case any owner or owners shall make default in complying with the provisions of the last preceding section of this Act or any requirement of the Council thereunder if

they think fit in lieu of proceeding for a penalty at any time and from time to time provide fit up and maintain and renew in such common stairs passages or private courts all necessary lamps brackets or other means of lighting and all necessary means of extinguishing the light and provide the necessary supply of gas or other light therefor and clean any lamps and brackets and light and extinguish the same and for all purposes aforesaid any officer or servant of the Council duly authorised in writing under the hand of the surveyor shall be entitled to require and shall have access to and from all such common stairs passages or private courts at all times and the Council may in such cases as they think fit recover the expense they may incur as a debt from the owner or if there are more owners than one then proportionately from each owner according to the rental received by him in respect to the properties in any house or building or part thereof to which access is obtained by such common stairs passage or private court and such owner or owners shall be entitled to recover the amount expended in providing the supply of gas or other lights from the occupiers each such occupier being liable to pay his proportionate part of such amount according to the rent payable by him Provided always that the said expense recoverable by the Council as aforesaid shall not in the case of common stair lighting exceed twenty shillings per burner per annum and in the case of all other lighting exceed twenty-five shillings per burner per annum.

Infectious Disease.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

64. Whenever it shall be certified to the Council by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such person to furnish to them a full and complete list of the names and addresses of the owners of the clothes for whom such person washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Council shall pay to him or her for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings And every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Cowkeepers and others to furnish

65. Whenever it shall be certified to the Council by the medical officer of health that the outbreak or spread of infectious

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Lists of customers in certain cases.

disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Council may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the district and such dairyman shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Articles of bed and body clothing to be purified.

66. Where on the certificate of the medical officer of health it appears to the Council that any articles of bed or body clothing in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Council may cause any such articles of bed or body clothing in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

The Council shall reasonably compensate the owner for any articles destroyed and for any other damage sustained by him and the amount of compensation shall be recoverable in a summary manner.

Wake not to be held over body of person dying of infectious disease.

67. It shall not be lawful to hold any wake over the body of any person who has died of an infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who with the knowledge of this prohibition attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

Explaining section 124 of Public Health Act 1875.

68. The words "without proper lodging or accommodation" in section 124 of the Public Health Act 1875 shall be construed to include any person without proper lodging or accommodation having regard to the danger of infection to other persons in the same house and that section shall extend and apply to all persons suffering from any dangerous infectious disease and being in or upon any house or premises where such person cannot be effectually isolated so as to prevent the spread of the disease.

Dairymen to notify infectious disease existing among their servants &c.

69. All dairymen supplying milk within the district from premises beyond the district shall notify to the Council all cases of infectious disease among persons engaged in or in connexion with their dairies and any dairyman who knowingly makes default in so doing shall be liable to a penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

70. No person suffering from an infectious disease or who is living in a house in which there is a case of infectious disease shall milk any animal or pick fruit or engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread the infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

Notification of tuberculosis in a dairy.

71. Every dairyman occupying any dairy or supplying milk in the district shall notify to the Council all cases of tuberculosis or milk fever to his knowledge occurring in his dairy and in default shall be liable to a penalty not exceeding forty shillings.

Compensation to dairymen.

72. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease the Council shall make compensation to him for any loss occasioned by such stoppage.

Compensation to nurses &c.

73. If any midwife or nurse shall at the request of the Council stop her employment as such for the purpose of preventing the spread of infectious disease the Council shall make compensation to her for any loss she may sustain by reason of such stoppage.

Principals of schools to furnish lists of pupils in certain cases.

74. Whenever any scholar who attends any school within the district shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith send notice thereof to the medical officer of health and shall furnish to the Council at their request a list of the pupils attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings The Council shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five pupils named therein.

Protection against infection of books in public libraries.

75. No person shall return to any public library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Council may pay expenses of

76. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Council may if they think

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fit themselves pay the expenses arising out of the reception and maintenance of such person.

person in hospital.

Council may provide nurses.

77. The Council may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse provided by them.

Byelaws regulating hospitals.

78. The Council may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious disease temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Council.

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

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

Shows Caravans Gipsies &c.

Indecent shows &c.

80. If any person exhibits any indecent show or exhibition in any street or in any place to which admission is obtained by payment of money he shall for every such offence be liable to a penalty not exceeding five pounds.

Prevention of betting.

81. Any person who shall frequent and use any street or public place within the district either on behalf of himself or any other person for the purpose of bookmaking or betting or wagering or agreeing to bet or wager with any other person shall be liable to a penalty not exceeding five pounds.

Financial Provisions.

Power to borrow.

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

(1) For and incidental to the purchase of land (shown on the plan signed by the Honourable Sir Stafford Northcote Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred) as a site for the

erection thereon of public offices and police court public library and technical institute fire engine station public baths sanitary offices coroner's court and mortuary depôt and dwellings five thousand pounds;

(2) For the erection of public offices and police court public library and technical institute fire engine station public baths sanitary offices coroner's court and mortuary fifty-five thousand pounds;

(3) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose:

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

Security for moneys borrowed.

83. In order to secure the repayment of the moneys borrowed under the last preceding section and the payment of the interest thereon the Council may mortgage or charge the district fund and general district rate.

Mode of raising money.

84. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Every such loan shall be discharged within the prescribed periods and where any such loan is made repayable by means of a sinking fund the provisions of the section of this Act whereof the marginal note is "Sinking fund" shall apply to such sinking fund in lieu of the provisions of section 15 of the Local Loans Act 1875.

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

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

Provisions of Public Health Act as to mortgages to apply.

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

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

Periods for payment off of money borrowed.

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

As to moneys borrowed for the purposes (1) and (2) mentioned in the section of this Act the marginal note whereof is "Power to

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borrow" within the limit there prescribed within fifty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (3) in the said section mentioned within five years from the date or dates of the borrowing of the same;

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

Mode of payment off of money borrowed.

88. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

89.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Council the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

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

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

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

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the

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prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

Power to re-borrow.

90. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be affected by reason of such re-borrowing.

Protection of lender from inquiry.

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

Application of money borrowed.

92. Moneys borrowed or raised by the Council under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Annual return to Local Government Board.

93. The clerk shall within twenty-one days after the 31st day of March in each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has

been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Saving for existing charges.

94. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Powers of Vestry and Collection of Rates.

As to collection of local rates.

95.—(1) From and after the passing of a resolution in that behalf by the Council the powers and duties of any assistant overseer or collector of poor rates appointed by the guardians of the West Ham Union and the power of the guardians to appoint collectors of poor rates in respect of the parishes of East Ham and Little Ilford shall cease.

(2) Any assistant overseer or collector of poor rates of or for the parishes of East Ham or Little Ilford who was in office before the passing of the resolution referred to in the preceding subsection of this section and for whom no equivalent office shall be found by the

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Council or by the guardians of the poor for the West Ham Union shall be deemed to be an officer within the meaning of section 120 of the Local Government Act 1888 and that section shall with the necessary modifications and with the substitution of the "Local Government Board" for the "Treasury" and the "Council" for the "county council" apply accordingly Provided that the non-acceptance of any office offered shall not be a bar to the right of any officer to compensation.

Form of rate demand note.

96. The Local Government Board may prescribe the form of rate to include the poor rate district rate or any other rate or rent and they may in respect of such rates and rents prescribe a form of demand note rate book receipt and other necessary documents in respect of such rates and rents and any forms so prescribed shall be sufficient in law.

THRIFT FUND.

Thrift fund.

97. The Council may establish in manner herein-after provided a fund for the encouragement of thrift and with a view of providing a sum of money which in the event of retirement discharge or death of any person in the service of the Council who has contributed to the fund shall be available for himself or his representatives such fund to be called "the thrift fund" The Council may prepare and approve by resolution a scheme or schemes for the establishment of the thrift fund and may determine in and by any such scheme the following matters and things or any of them (that is to say):—

(*a*) What classes of persons shall be entitled to contribute to and participate in the thrift fund and to what extent such contribution shall be payable by persons entering or who shall have entered the service of the Council after the passing of this Act and also upon what terms and conditions persons in the service of the Council at the passing of this Act shall on their own application be admitted to the benefit of the thrift fund:

(*b*) The division of the persons contributing to and to be benefited by the thrift fund into two or more classes according to the amount of salary or according to such other conditions as the Council shall determine power being reserved by the scheme to remove any contributor from the one class to the other provided that no such removal shall place the contributor or his representatives in a worse position than he would have occupied if the removal had not been made:

(*c*) What (if anything) shall disqualify any person in the employ of the Council from becoming a contributor to the thrift fund and participating in the benefits thereof:

(*d*) Under what circumstances any person having been a contributor to the thrift fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof:

(*e*) What proportion (if any) of his own contributions to the thrift fund and of the interest which shall have accrued thereon under the scheme any person having been but ceasing to be a contributor thereto shall be entitled to receive:

(*f*) What proportion (if any) of the additions made by the Council to the thrift fund in respect of the contributions of any member shall be payable to the representatives of such member in the event of his dying before he becomes entitled to any benefit under the scheme on resignation or retirement:

(*g*) The per-centage or proportion not exceeding without the consent of the Secretary of State two pounds ten shillings per centum of their salaries or wages which shall be payable to the thrift fund by the contributors:

(*h*) The age at which or other circumstances in which a person shall become entitled to benefit under any scheme so that no person not incapacitated by illness shall be entitled to benefit (except by way of return of his own contribution with interest under the next succeeding section of this Act) at a less age than sixty:

(*i*) The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity instead of such gross sum calculated at such rate of interest as may be defined by the scheme:

(*j*) The rate not exceeding three pounds per centum at which interest whether simple or compound shall be calculated in respect of the moneys contributed to the thrift fund by the contributors and by the Council respectively:

(*k*) The future management and direction of the thrift fund and the number of and mode of appointment of the committee for administering and managing the same and the powers to be conferred upon the committee with respect to such administration and management and whether any and if so what persons other than members of the Council should form part of or be associated with the said committee for the purposes of the administration and management of the thrift fund or form a separate consultative committee to be elected by the contributors of the thrift fund and define the functions and mode of election of such consultative committee:

(*l*) The securities upon which the moneys received on account of the fund shall from time to time be invested Provided that such investment shall not be made in any mortgage bond debenture debenture stock corporation stock annuity rentcharge

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rent or other security of the Council or in securities transferable by delivery:

(*m*) And generally all such other matters and things in relation to the thrift fund as the Council shall deem fit and proper to form part of and to be included in such scheme.

Forfeiture of rights under scheme in certain cases.

98. Any scheme under this part of this Act shall contain the following provisions:—

(1) Any contributing member retiring bonâ fide from the service of the Council of his own accord before attaining the age prescribed by the scheme and not to escape dismissal for fraud dishonesty or misconduct involving pecuniary loss to the Council shall be entitled to receive back the whole amount of his own contributions with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the thrift fund:

(2) The representatives of any contributing member who (not having been guilty of fraud dishonesty or misconduct involving pecuniary loss to the Council) shall die before he becomes entitled to any benefit under the scheme or having become so entitled before he shall have received back a sum equal to his whole contributions and the interest accrued thereon on resignation or retirement shall be entitled to receive back the whole or (as the case may require) such part of the contributions of such member as he shall not have so received back with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the thrift fund except as may be provided by the scheme:

(3) Any contributing member dismissed from the service of the Council for fraud or dishonesty or for misconduct involving pecuniary loss to the Council or retiring to escape dismissal for any of those causes shall at the discretion of the Council forfeit all or any part of his contributions and the interest thereon and lose all benefits from the thrift fund except such return (if any) as may at such discretion be made to him out of his own contributions and the interest thereon Any contributing member who shall become entitled to superannuation or shall be required to retire in consequence of any reduction of the number of persons in the service of the Council shall be entitled to payment as follows If by way of gross sum the total amount of the contributions made by him to the thrift fund and of the equivalent contributions made by the Council with interest thereon and if by way of an annuity such an amount as shall be determined by actuarial calculation to be of equal value to such gross sum as aforesaid.

Copies of scheme to be supplied.

99. The Council shall supply a copy of any scheme in force under this part of this Act at a price not exceeding sixpence to any person in the employ of the Council interested in the thrift fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the thrift fund a copy of the last annual balance sheet of the same for the time being.

Council to contribute to fund.

100.—(1) The Council shall at the end of each and every half year after the establishment of the thrift fund contribute thereto out of the rate or revenue upon which the salary or wages of each contributing member is or are respectively chargeable a sum equal to one-third of the sum which during the same half year has been contributed thereto by such contributing member.

(2) In the event of the moneys standing to the credit of the thrift fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Council out of the general district rate.

(3) The Council may also pay out of the general district rate any salaries costs and expenses of the management and administration of the thrift fund and of and incidental to investments.

Scheme to be submitted to actuary.

101. Prior to the scheme coming into operation it shall be submitted by the Council to an actuary being a fellow either of the Institute of Actuaries of Great Britain and Ireland or of the Faculty of Actuaries in Scotland to be appointed by the Council with the approval of a Secretary of State who shall consider such scheme and shall report thereon as to its solvency or otherwise In the event of such actuary reporting that in his opinion the scheme as a whole is a solvent one without recourse to the guarantee of the Council the scheme may come into operation but not otherwise.

Once in every five years after the commencement of the scheme it shall be submitted to an actuary to be appointed as aforesaid for revision (if necessary) and in the event of such actuary recommending any modifications alterations or amendments therein such modifications alterations or amendments shall if approved by a Secretary of State be forthwith adopted by the Council If upon such actuary's recommendations the Council are satisfied that any addition (specified by him) may be made to all annuities payable within the following period of five years without risk that a deficiency in the funds may at any future time be thereby caused they may direct such addition to be made in all annuities for such period.

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There shall be paid to such actuaries such reasonable remuneration as may be agreed or as may be fixed by a Secretary of State.

Contracts with assurance society.

102. It shall be lawful for the Council from time to time to enter into and carry into effect any contract with any company carrying on the business of life assurance for the undertaking by such company of the liabilities of the Council under any scheme or schemes made under this part of this Act or any of them.

Certain provisions of Provident Nominations and Small Intestacies Act 1883 made applicable.

103. The provisions of sections 7 to 10 of the Provident Nominations and Small Intestacies Act 1883 shall (so far as applicable) extend and apply to the thrift fund and to the contributors thereto and to the Council as if the thrift fund were the funds of a registered trade union and the contributors to the thrift fund were members of a registered trade union and the Council were directors within the meaning of that Act.

Council not to regard trusts or assignments.

104. The Council shall not be bound to recognise or see to the execution of any assignment or of any trust (whether expressed implied or constructive) relating to any contributions of any contributing member to the thrift fund or the interest thereon or additions thereto but the receipt of the contributing member for the same or (if he is dead) of his legal personal representatives to the person or persons to whom the same may be paid under the authority of this Act shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any assignment thereof or any trust to which the same may be subject and whether or not the Council have had notice (express implied or constructive) of any such assignment or trust or of any charge or incumbrance upon any such contributions or the interest thereon or additions thereto or any part thereof respectively and the Council shall not be bound to see to the application of any money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof.

MISCELLANEOUS.

Undertakings to be binding on owners.

105.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Council to or by the owner of property on the passing of plans or otherwise in connexion with the property of such owner and registered as herein-after provided shall be binding upon the owner of the property for the time being and all persons claiming through or under him and upon the Council and such owner shall be entitled to require from the Council a copy of such undertaking or agreement.

(2) The Council shall keep a register of such undertakings and agreements and within seven days after the date of any such undertaking or agreement an entry thereof shall be made in the register showing the names and descriptions of the parties thereto and the purport of the undertaking or agreement and the property in respect of which the same is given or entered into and such register shall contain a suitable index relating to such property.

(3) Every such register shall be open to inspection by any person at all reasonable times on payment of a sum not exceeding one shilling in respect of each name or property searched for and the Council shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Council and any sums received under this subsection shall be carried to the credit of the district fund.

(4) If the clerk or other person having the custody of such register shall refuse to allow such inspection or to furnish such copies he shall be liable to a penalty not exceeding five pounds for each such refusal such penalty to be recoverable by the person aggrieved in a summary manner.

(5) Where at the time of such undertaking or agreement being given the legal estate in the property to which such undertaking or agreement relates is not vested in the owners thereof as defined by this section such undertaking or agreement shall not be binding upon the person in whom the legal estate in such property is at that date vested or upon his successors in title unless such person joins in such undertaking or agreement nor shall any undertaking or agreement relating to property to which the owner is entitled for a term of years only be binding upon any person for the time being entitled to such property in reversion immediate or otherwise unless such person joins in such undertaking or agreement.

(6) In this section the expression "owner" means the person for the time being receiving the rackrent of the property in respect of which such undertaking or agreement is given whether on his own account or as trustee for any other person or who would so receive the same if such property were let at a rackrent.

Proceeds of sale of lands to be treated as capital.

106. The proceeds of the sale of any lands of the Council under the powers of this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act or other moneys borrowed by the Council but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local

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Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Compensation how to be determined.

107. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Act 1875.

Captain of fire brigade or other officer to have control of operations.

108.—(1) The captain or superintendent of the fire brigade of the Council or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Council or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

(2) Such captain superintendent or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

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

109. Any police constable acting under the orders of his superintendent or inspector and any member of the fire brigade of the Council being on duty and any officer of the Council may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Officers may institute proceedings.

110. The surveyor or inspector of nuisances and any officer authorised by name specially or generally in that behalf by the Council may lay information or complaints or appear institute and carry on any proceedings under this Act before a court of summary jurisdiction.

Recovery from owner.

111. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and

in the absence of misconduct or negligence on the part of the Council or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Byelaws.

112. All byelaws made under this Act shall be made in all respects according to the requirements of the Public Health Act 1875 and subject to the confirmation of the Local Government Board.

For protection of Gas Light Coke and Company.

113. In addition to any exemption referring to gas companies contained in this Act nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers rights and privileges conferred upon a gas company by any Act of Parliament and as existing immediately before the passing of this Act.

Exemption for railway and dock companies.

114. Nothing in this Act or in any byelaw to be made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway or dock company and used by such company as a part of or in connexion with their railway or dock as the case may be.

As to appeal.

115. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate licence or consent or approval of or by the Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may in cases where no other right of appeal is given 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 Council may in like manner appeal.

Inquiries by Local Government Board.

116.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by

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that Board not exceeding three guineas a day for the services of such inspector.

Expenses of Act.

117. The costs charges and expenses attending or incident to the applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council out of the general district rate or out of moneys to be raised under the authority of this Act in such proportion and manner as the Council may determine.

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