CHAPTER lxiii.

An Act to enable the Edmonton Urban District Council to acquire Pymmes Park for a public park and recreation ground for conferring further powers in relation to buildings streets and sanitary matters for making further and better provision for the improvement health and local government of the district and for other purposes. [1st July 1898.]

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WHEREAS the district of Edmonton in the county of Middlesex (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management of the Edmonton Urban District Council (in this Act called "the Council"):

And whereas Herbert Reginald Ray is tenant for life in possession of certain real estates settled by the will dated the nineteenth day of February one thousand eight hundred and fifty-six of Henry Belward Ray who died on the thirty-first day of March one thousand eight hundred and fifty-six:

And whereas the said Herbert Reginald Ray is a person of unsound mind so found by inquisition and Alfred Llewellyn Wheeler has been appointed committee of his estate:

And whereas Harry Mitton Crookenden of 3 New Square Lincoln's Inn in the county of London the Right Honourable Arthur William Hill commonly called Lord Arthur William Hill of 74 Eaton Place in the said county Controller of Her Majesty's Household and Henry Cole Magenis of 9 Great Marlborough Street in the said county retired Major-General in Her Majesty's Army (herein-after referred to as "the trustees") have been appointed trustees for the purposes of the Settled Land Acts 1882 to 1890 of the settlement made by the said will:

And whereas a portion of the said real estates settled by the said will consists of a mansion-house and lands situate at Edmonton

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in the county of Middlesex and known as the Pymmes or Pymmes Park and containing fifty-three acres and two roods or thereabouts and herein-after in this Act referred to as "Pymmes Park":

And whereas the said Herbert Reginald Ray acting by his committee and with the consent of the trustees is willing to sell Pymmes Park to the Council and it would be to the public advantage that provision should be made as in this Act contained to enable the Council to acquire the said lands with a view to their preservation for ever as a public park and recreation ground:

And whereas it is expedient to confer on the Council further powers as herein-after provided with reference to public parks and recreation grounds at any time held by them:

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 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 ninth day of November one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Tottenham and Edmonton Weekly Herald and North Middlesex Advertiser a local newspaper 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 on the general district rate:

And whereas such resolution was published twice in the same 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 eleventh day of January one thousand eight hundred and ninety-eight 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:

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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) :—

PART I.

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Edmonton Urban District Council Act 1898.

Act divided into parts.

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

Part I.—Preliminary.
Part II.—Recreation grounds.
Part III.—Streets and buildings.
Part IV.—Sanitary drainage &c.
Part V.—Finance.
Part VI.—Miscellaneous.

Limits of Act.

3. This Act except where otherwise expressly provided shall apply exclusively to the district.

Interpretation.

4. 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 the construction (that is to say) :—

"The district" means the urban district of Edmonton;

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

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

"The clerk" "the surveyor" "the medical officer of health" "the inspector of nuisances" mean respectively the clerk to the Council the surveyor to the Council the medical officer of health and any inspector of nuisances for the district;

"The London Council" means the council for the administrative county of London;

"The Middlesex Council" means the council for the administrative county of Middlesex;

"Daily penalty" means a penalty to accrue for each day on which the offence is continued after conviction thereof;

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"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 building or structure 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 house building structure or erection 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 weather cock 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;

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

"Sanitary convenience" includes urinals water closets earth closets pan closets privies ashpits and any similar convenience:

Terms to which meanings are assigned by the Acts incorporated with this Act or by the Public Health Acts have in this Act the same respective meanings unless varied by this section or unless

there is something in the subject or context repugnant to such construction and in this Act And for the purposes of this Act in any Act incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" or other like expression shall have effect as if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Act to be executed by Council.

5. Subject to the provisions of this Act this Act shall be carried into effect by the Council.

PART II.

Recreation Grounds.

Purchase of Pymmes Park.

6. The Council may by agreement purchase and hold the mansion-house and lands situate in the parish of Edmonton and the county of Middlesex known as Pymmes Park and described generally in the schedule to this Act And for such purpose they are hereby authorised and empowered to do all such things and exercise all such powers as may be necessary for effectuating such purchase.

Power for Council and owners of Pymmes Park to enter into agreement.

7. For the purpose of effectuating any such sale of Pymmes Park to the Council all persons being seized or possessed of Pymmes Park or any estate or interest therein or having power to sell or convey the same and the Council may make and the trustees or other persons having power to consent to a sale of the same under the Settled Land Acts 1882 to 1890 or otherwise may consent to a sale upon the terms that any portion of the purchase money not exceeding one-half thereof shall remain outstanding and unpaid by the Council for any period not exceeding five years and that in the meanwhile interest on such unpaid purchase money shall be paid by the Council at such rate not exceeding three and a quarter per centum per annum as may be agreed Any contract made in pursuance of this section by or on behalf of the said Herbert Reginald Ray shall be subject to the consent of the Judge or Master in Lunacy in the same manner and to the same extent as the same would have been subject to such consent if this Act had not been passed but in giving such consent regard may be had to this section.

Incorporating Lands Clauses Acts.

8. If it should be found that any estate or interest in Pymmes Park can not be conveyed otherwise than under section 7 of the Lands Clauses Consolidation Act 1845 any person

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in whom such estate or interest is vested is hereby authorised and empowered to sell and convey to the Council his estate and interest in such lands accordingly For the purposes of this section the Lands Clauses Act (except the provisions thereof which relate to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) shall be incorporated with and form part of this Act And the expression "the promoters of the undertaking" in the said Act shall mean the Council.

Pymmes Park to be public park.

9. The Council shall as soon as Pymmes Park shall have been purchased and conveyed to them hold and permit the same to be used as a public walk or public park or pleasure ground subject to the provisions of this Act and of the Public Health Acts and the Council may lay out plant improve and maintain the same for such purposes.

Contributions by London Council and other bodies.

10. The London Council the Middlesex Council and the councils of the urban districts of Tottenham Southgate Wood Green Enfield and Walthamstow or any of them may make contributions in aid of such purchase of such amounts and upon such terms and conditions as they may respectively think fit and may enter into and carry into effect any agreements with the Council with respect to any such contribution but such contributions in the case of the London Council or the Middlesex Council shall not exceed ten thousand pounds or in the case of any urban district council five thousand pounds.

Money to be raised on capital account by London Council.

11. The London Council may expend on capital account for the purposes of this Act such moneys as they may think fit and in order to raise or provide any moneys required for those purposes the London Council may create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time in force regulating the raising of money for capital purposes by the London Council.

Borrowing by Middlesex Council.

12. Any sum which the Middlesex Council may contribute under the provisions of this Act shall be deemed to be expenses for general county purposes and may be borrowed under and subject to the provisions contained in section 69 of the Local Government Act 1888 and shall be repayable within a period of sixty years instead of thirty years as prescribed by that section.

Borrowing by district councils.

13. Any moneys which the district council of any of the aforesaid urban districts may contribute under this Act in aid of

the purchase of Pymmes Park and incidental thereto may be borrowed under and subject to the same conditions as money authorised to be borrowed under the Public Health Act 1875 for the purposes of that Act and all the provisions of sections 233 to 244 of that Act shall apply to the district council in respect of such moneys.

Power to lease portion of Pymmes Park.

14. The Council may from time to time at such rent and subject to such covenants and conditions as they may think fit let on lease such portion of Pymmes Park as may at the date of the passing of this Act be let but the terms of any such leases shall not extend beyond the period of five years from the date of the passing of this Act Any money received by the Council by way of rent under any such lease or under any leases existing at the date of purchase shall be applied in the maintenance and improvement of the park and subject thereto shall be carried to the credit of the district fund The Council may also accept surrenders of leases whether granted by them or otherwise of or affecting the said park or any part thereof on such terms and conditions as may be agreed and may provide any money required for that purpose out of the district fund.

Power to set apart places for games.

15. The Council may from time to time permit the use of the whole or set apart any portion of Pymmes Park for cricket football golf lawn tennis croquet archery or other similar games and for gymnastics or for the drill of volunteers yeomanry or cadets or any military or police force or for open-air concerts or any special purpose tending to promote the health amusement or enjoyment of the inhabitants and public of the district.

Power to close portion of Pymmes Park.

16. The Council may when Pymmes Park or any part thereof is so used or set apart for any special purpose as aforesaid or for any of the purposes mentioned in the Public Health Acts Amendment Act 1890 close the same or such part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums as the Council decide for the exclusive occupation of the said park or any such portion thereof or for the admission of persons vehicles goods and things into the said park or portion thereof so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded:

Provided that the Council shall not in any one year close for more than twelve days nor for more than four consecutive days on any one occasion or on any Sunday or public holiday any part of the said park lying northward of the line X Y shown on the

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plan signed in duplicate by Sir Henry Stafford Northcote Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred during its passage through Parliament and which plans are deposited in the Office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and are herein-after referred to as the signed plan or any other part of the said park exceeding one-fourth of the whole area thereof.

Council may erect buildings &c.

17. The Council may in Pymmes Park erect maintain furnish and equip and may remove refreshment and reading rooms pavilions conservatories assembly rooms museums and other buildings and conveniences which may be required or convenient for the purposes of such park and the public resorting thereto and may charge for admission to such reading rooms pavilions conservatories assembly rooms museums or other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively and may adapt and alter and equip furnish maintain repair and use any buildings for the time being existing in the said park for any of the above purposes:

Provided that no messuage or building (other than an entrance lodge) shall at any time be erected or built in the said park within a distance of fifty feet of the northern boundary thereof nor on any part of the said park which lies southward of the said line marked X Y on the signed plan within a distance of fifty feet of the new road coloured brown on the said plan:

Provided that the Council shall not charge for admission to such reading rooms or museums 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.

18. The Council may let any such refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times 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 and the Council may sanction and permit the setting up of portable or other stalls for the sale of refreshments in the park for such time and on such terms and conditions as they see fit and may make charges in respect of the right to set up or occupy the same.

Council may let pavilions &c.

19. The Council may from time to time let any such pavilions assembly rooms or other buildings for the purposes of particular meetings or entertainments.

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Power to let seats.

20. The Council may place or authorise any person or persons to place seats shelters or chairs in any recreation ground park or pleasure ground for the use of the public and may provide and sell programmes of any concert or performance which may from time to time be provided by the Council therein and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Power to provide apparatus for games and to charge for use.

21. The Council may provide apparatus for playing at games and recreation for the use of the public frequenting the said park 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 and enforce regulations with respect to the use and the payment for the use of such apparatus.

Band of music.

22. The Council may pay or contribute towards the payment of a band of music to perform in any park or pleasure or recreation ground or building for the time being belonging to or held by the Council or elsewhere in the district as they may direct and the Council may enclose a small area within which such band shall play and make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within such building or enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions of the Council for or towards such band shall be paid out of the district fund and general district rate and 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 enclose lakes &c. for skating and to charge admission.

23. For the purpose of protecting ice for skating the Council during times of frost may in addition to the powers of closing portions of the park conferred by the section of this Act the marginal note whereof is "Power to close portion of Pymmes Park" enclose all or any part of any lake or piece of water in such park and may enclose any part of such park adjoining thereto which it may be necessary to enclose in order to effect such purpose and may charge for admission to any part so enclosed Provided that the Council shall not at any one time close more than one-half of the total area of water in such park.

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Recreation grounds to be deemed streets for police purposes.

24. The recreation grounds and the parks and pleasure grounds belonging to or under the control of the Council shall be deemed streets for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences :—

Every person who suffers to be at large any unmuzzled ferocious dog or urges any dog or other animal to attack worry or put in fear any person or animal ;

Every person who slaughters or dresses any cattle or any part thereof except in the case of any cattle overdriven which may have met with any accident and which for the public safety or other reasonable cause ought to be killed on the spot ;

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle ;

Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution ;

Every person who wilfully and indecently exposes his person ;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language ;

Every person who wantonly discharges any fire-arm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework ;

Every person who throws or lays any dirt litter or ashes or night-soil or any carrion fish offal or rubbish on any street.

Power to make bye-laws as to Pymmes Park.

25. The Council may make and enforce byelaws for all or any of the following purposes :—

For regulating the opening and closing of Pymmes Park or of any portion thereof which may for the time being be used let or set apart as aforesaid the admission of persons animals and vehicles thereto the sale of refreshments therein and the use thereof for the purposes for which the same are or is used set apart or let and generally for the preservation of good conduct and order and prevention of nuisance therein :

Provided that no byelaw shall restrict the right of the Secretary of State for War to make military use of the said park in any case of national or local emergency.

Keepers and officers may be appointed.

26. The Council may appoint and pay keepers or other officers for procuring the observance of the provisions of this Part of this Act and of the byelaws made thereunder and generally for

preserving order and keeping any park public garden pleasure ground or recreation ground of the Council in proper condition and may procure such officers to be sworn in as constables for that purpose but such officers shall not act as constables unless in uniform or provided with a warrant.

Expenses and application of moneys received from admission &c. to recreation grounds.

27. All expenses incurred by the Council in the exercise of the powers of this Part of this Act shall be paid out of the district fund and the moneys (if any) received by the Council from the admission of any persons to or the occupation of any park public garden pleasure ground or recreation ground belonging to the Council or under their control and management or parts thereof respectively or any reading room pavilion conservatory assembly room or other buildings or from the letting thereof or of any chairs refreshment rooms or other buildings or from the sale of programmes of any performance or concert shall (after providing in the case of such performance or concert for the expenses thereof) be carried to the credit of the district fund.

PART III.

Streets and Buildings.

No buildings allowed till street formed.

28. 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 dwelling-house abutting on any such street or the curtilage whereof shall so abut shall be let or sold 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 and 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.

The Council shall give notice of the provisions of this section to every person intending to lay out a new street or to 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 of any new street or building given subsequent to the passing of this Act.

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For the purposes of this section "dwelling-house" shall be deemed to include any building constructed for use as a dwelling-house although not actually in use as such at the date of any sale or lease thereof.

Council may define future lines of streets.

29.—(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 for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining 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 of new streets.

30. When any plans or sections of any new street are submitted to the Council for approval the Council may vary or alter the position direction or level of any such 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 and may cause such street to communicate with any other street of which it may conveniently form a continuation The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Intersecting streets.

31. 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.

Power to define streets.

32. The Council may by order from time to time determine and declare the points or limits within which any street is to be taken as beginning and ending.

Continuation of existing street to be deemed new street.

33. Every continuation of an existing street shall for the purpose of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street and shall be of the full width at the least of the street of which it shall be a continuation but if such width shall be greater than that specified in the byelaws for the time being in force the Council shall make compensation either in land or in money for any loss occasioned to the person laying out such new street by reason of the width of such street being in excess of the width required by such byelaws Provided always that such new street shall in no case be of less width than that specified in the byelaws for the time being in force Provided also that this section shall not apply to or in the case of any continuation of any existing street the plan and section of which continuation have been approved of by the Council before the passing of this Act.

Crossing for vehicles &c.

34. 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

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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 such offence be liable to a penalty not exceeding forty shillings.

Fencing vacant land.

35. If any land (other than land now forming part of any common) adjoining any street is allowed to remain unfenced or the fences thereof 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 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 enquiry 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.

Dangerous places to be repaired or enclosed.

36. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

(1) If any building wall steps structure or other thing or any well excavation or reservoir pond stream or dam or bank is in the opinion of the Council for want of sufficient repair protection or enclosure dangerous to the passengers along any street or any footpath along which the public are permitted to pass the Council may order the owner within the period specified in such order to repair remove protect or enclose the same so as to prevent any danger therefrom:

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Council may cause such works as they think proper to be done for effecting such repair removal protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily unless the court of summary jurisdiction or the court of quarter sessions on appeal

shall be of opinion under the circumstances of the case that such expenses should be borne by the Council. A.D. 1898.

Erection of bridges.

37. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected and which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Council approve and shall be built substantially in accordance with specifications plans and sections to be submitted to and approved by the Council and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Council may remove alter or pull down any work begun or done in contravention of this section and recover the expenses from such person summarily.

Council may appropriate materials left in streets.

38. The Council may remove appropriate use and dispose of any surplus materials existing in any street which it may be necessary to remove in the execution by the Council of any works in such street unless the owners of buildings and lands in such street within four days after notice so to do served on them by the surveyor remove such materials or their respective proportions thereof and the Council may allow such sum as the surveyor may fix to be the reasonable value thereof to such owners for any materials which have been so used or removed by the Council.

Approval of plan may be declared void after interval.

39.—(1) The approval by the Council of any plan or section of any street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say):—

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

As to plans and sections approved 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 deposits and approval shall unless the Council otherwise determine be requisite.

(2) The Council shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced and

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shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

Council may retain plans &c.

40. The Council may retain any drawings plans sections specifications and written particulars descriptions or details deposited with the Council in pursuance of any enactment for the time being in force in the district or of any byelaw made thereunder.

Paving of yards &c.

41. 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 shall 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 drain 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.

Entrances to courts &c.

42. The owner or owners of any existing court yard or passage used in common by two or more occupiers (not being a public highway adopted and kept in repair by the Council) or of any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging asphalting concreting or paving and drain in good repair to the satisfaction of the Council and if any such owner or owners for one month after notice in writing from the Council fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners summarily.

Private road of railway company exempt.

43. Nothing in this Part of this Act shall extend or apply to any private road formed or laid out by a railway company and used

solely as an approach to a station or a station yard or to land used for railway purposes only.

What to be deemed new buildings.

44. 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 re-conversion 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 an 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 an open space;

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."

Power to regulate level of ground floor.

45. The Council may regulate and prescribe the lowest level at which the ground floor of any new building intended for human habitation is to be but such prescribed level shall not exceed eighteen inches above the street level adjoining any such new building or eighteen inches above the ground adjoining such building whichever be the greater and at the time of the deposit of plans and sections

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of any new building the Council may require any person intending to construct any such new building to specify the proposed level of the ground floor of any such new building Provided that this section shall not apply to any part used as a shop only of the ground floor of any new building but it shall not be lawful to use such part of the ground floor otherwise than as a shop until the same has been raised to such level as the Council may prescribe not exceeding the level aforesaid.

If any person shall construct or permit to be constructed the ground floor of any new building at a lower level than the prescribed level he shall be liable to a penalty not exceeding five pounds and the Council may cause such building to be pulled down or removed and may recover summarily the expenses thereby incurred either from the person constructing such building or from the person who permitted the same to be constructed and if any person shall use part of the ground floor of any new building which shall have originally been constructed for use as a shop only for any other purpose than as a shop until the same has been raised to the level prescribed by the Council he shall be liable to a penalty of forty shillings and to a daily penalty of twenty shillings.

Temporary or movable buildings.

46.—(1) Before any person erects or sets up any temporary or movable 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 buildings 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 surrounding 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.

(2) The Council shall within twenty-one days after the delivery of the plans 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 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 plans 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 with 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 movable 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 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 of right of light.

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

47. 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

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any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof 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.

48. No new building shall without the approval of the Council be erected on the side of any street not being at the date of the passing of this Act repairable by the inhabitants at large 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 a 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.

Raising of chimneys.

49. 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 tops 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.

50. 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 conveying 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 of 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 of more than forty horse power the height of such chimney shall not be less than one hundred and twenty feet Provided that where any chimney serves the furnace of any annealing oven the height of such chimney shall not be less than eighty feet :

(2) All steam ejected from any fixed steam engine or the boiler thereof and all spent or 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.

Lighting of common stairs.

51. The owner or owners of common stairs or passages or private courts or of houses or buildings in or entering or having a right of access by any common stair or passage or private court shall provide fit up 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

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means of extinguishing the light as the Council may determine and provide the necessary supply of gas or 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 Provided always that the owner or owners so providing a supply of gas or other light shall be entitled to recover the amount expended by such owner or owners in providing such supply from the occupiers of every such house or building in or entering or having access by the common stair passage or court each such occupier being liable to pay his proportionate part of such amount according to the rent payable by each such occupier respectively.

Council may supply lights and charge owners.

52. 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 the Council may 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 of the properties in any house or building or part thereof to which access is obtained by such common stair 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. A.D. 1898.

Regulations as to sky signs.

53. 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 or during that period except with the licence in writing 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 structure 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 structure over on or to which the sky sign is placed or attached becomes 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.

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Exemption for railway company.

54. There shall be exempted from so much of the provisions of this Part of this Act as relates to buildings and structures any building (not being a dwelling-house) belonging to any railway company and used by such company as part of or in connexion with their railway.

Exemption of Government property from building regulations.

55. 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.

PART IV.

SANITARY DRAINAGE &c.

Inspection of drains &c.

56. 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.

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

57. If it appear to the Council that two or more houses plans for which have been approved after the first day of June 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 be apportioned between the owners or occupiers of

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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.

As to separate sewers.

58. 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 sewers :

And if and whenever the Council find that any sewer or drain which ought to be connected with a sewer intended for the reception of sewage matter is connected with a sewer intended for the reception of surface water or vice versâ they may require the owner or owners for the time being of the premises with which such sewer or drain is connected to alter and correct the same at his or their own expense to the satisfaction of the Council or the Council may in their absolute discretion alter and correct such connexion and recover in a court of summary jurisdiction all the costs and expenses of and incidental thereto from the owner or owners of any premises with which sewers or drains so altered are connected in such proportions (if there be more than one owner) as in case of dispute may be determined by the said court 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 :

Provided that in the case of any house or premises existing at the time of the provision of separate sewers 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.

Power to reconstruct drain if laid in contravention of Public Health Act.

59. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the Council may cause the drain or drains in respect of which default has been made to be laid relaid or amended or re-made as the case may require and may recover the expenses incurred by them in so doing from the owner as private improvement expenses.

Wilful damage to drains.

60. If any person causes any drain water closet earth closet privy or ash pit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully

stopping up 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.

Council may require removal of urinals.

61. 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 rooms.

62. 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 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.

Public conveniences and lavatories.

63. The powers of the Council under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain sanitary conveniences and lavatories in or under any street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and lavatories for such periods (not exceeding three years) and upon and subject to such terms and conditions as they may think fit.

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Power to charge for removal of trade refuse.

64. If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any ash-pit or ash-tub the Council may make a reasonable charge for the removal of the same which charge shall be paid to the Council by the occupier of the premises in respect of which the charge is made and may be recovered summarily.

Old drains to be laid open before communicating with sewers.

65. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Council shall be made to communicate with any sewer of the Council the Council may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall have certified that such drain may be properly made to communicate with such sewer and the surveyor shall cause the ground to be closed and any damage done to be made good as soon as can be and the expense of laying open the drain and of closing the ground shall be defrayed by the Council.

Reconstruction of drains to require approval of surveyor.

66. If any person intends to re-construct or alter the course of any drain communicating with any sewer of the Council he shall give notice of his intention to the surveyor and shall supply to him such plan and short description of the intended drain or work as the surveyor may require.

It shall not be lawful for any person to reconstruct or alter the course of any drain as aforesaid except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Provision as to houses without a proper water supply.

67. 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.

Prohibition of throwing injurious matter into sewers.

68. It shall not be lawful for any person to cause or suffer any refuse from any manufactory or work that would be destructive or injurious to any sewer or that would interfere with the treatment or utilisation of the sewage of the district to flow or pass into any sewer of the Council or to flow or pass into any drain channel or watercourse communicating with any such sewer in such manner that the same will be carried by through or out of

such drain channel or watercourse into any such sewer and if any person is guilty of any act or omission in contravention of this section he shall be liable to a penalty not exceeding ten pounds and in case of a continuing offence to a further penalty not exceeding twenty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the court of summary jurisdiction before whom he is convicted Provided that any person charged with an offence against this section shall not be convicted thereof if he shows to the satisfaction of the court of summary jurisdiction before whom he is charged that he has duly used the best practicable and reasonably available means of depriving the refuse from his manufactory or work of qualities that would make it injurious to the sewer or likely to interfere with the treatment or utilisation of the sewage of the district:

Provided also that a person shall not be liable to a penalty for an offence against this section until the Council shall have given him notice of the provisions of this section nor for an offence committed before the expiration of one month from the service of such notice provided that the Council shall not be required to give the same person notice more than once.

Ventilating sewers.

69.—(1) For the purpose of ventilating any sewers vested in the Council the Council may lay any pipe branch or any other necessary apparatus from any such sewer against any building and for such purpose the surveyor inspector of nuisances or their duly authorised assistants with or without workmen may enter on any lands which may be necessary for the purpose of laying the necessary pipes and apparatus and execute such works and may from time to time repair replace alter discontinue and remove any such pipe branch or apparatus Provided that the Council shall in the exercise of the powers of this section do as little damage as possible and shall make compensation to any owner or owners occupier or occupiers of lands who may be injured by the exercise of any such powers such compensation in case of disagreement to be settled by arbitration in manner provided for by the Public Health Act 1875.

(2) Provided also that the Council their officers or servants shall not enter on any lands in pursuance of the powers of this section except for the purposes of repair or renewal of any such pipes or apparatus for the time being existing on such lands until they shall have given to the owner or owners and occupiers of such lands one month's notice of their intention to enter such lands for the purpose of this section.

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(3) Any owner or occupier of premises served with a notice under this section may by a notice served on the Council object to the proposed exercise of the powers of this section in respect of his or their lands on either of the following grounds That the proposed works of ventilation are unnecessary or that the same can be carried out on other premises And the Council may apply to a court of summary jurisdiction to appoint a time for determining the propriety or otherwise of such objection and shall give notice of the time and place appointed to such objectors and at the time and place so appointed any such court may proceed to hear and determine the propriety or otherwise of such objection The court shall decide as to the propriety of such objection and may make such order as to the exercise or non-exercise of the proposed powers as to such court may seem fit including an order as to the costs of any such proceedings If any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor or other officer or servant of the Council in the exercise of any of the powers of this section he shall for every such offence be liable to a penalty not exceeding five pounds.

Council may resolve that watercourses be cleansed by owners or occupiers.

70. Where any stream or watercourse or outfall for water or any wall dam or other defence against water or any part or parts thereof respectively within the district shall not be cleansed repaired or otherwise maintained in a due state of efficiency to prevent any obstruction to the proper flow of the water through or along the same or the overflow of water therefrom to the satisfaction of the Council the Council may resolve that such stream or watercourse or outfall for water or such wall dam or other defence against water or such part or parts thereof respectively shall be cleansed repaired or otherwise placed in such due state of efficiency within a time to be specified in such resolution and to be served on every owner and occupier interested therein at their last known addresses within the United Kingdom so far as the same can be ascertained.

On failure to comply with resolution Council may execute works.

71. If such resolution be not complied with the Council may if they think fit at their own expense execute the works mentioned or referred to therein and for the purpose of executing such works may enter upon the lands of such owner or occupier or any of them.

As to covering in of ditches &c.

72. 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 lands 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 : A.D. 1898.

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 save and except in the case of an owner of land already laid out for building in which case no consent shall be necessary.

Council may take proceedings for preventing obstructions in watercourses.

73. 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.

Byelaws as to vans tents &c.

74.—(1) The Council may by resolution passed at a meeting of the Council prohibit any vans tents sheds or similar structures being erected or placed on any lands in the district where their use for human habitation is in the opinion of the Council likely to cause the pollution or fouling of any streams or ditches and any person who shall be guilty of any act or omission in contravention of any such resolution and the owner or occupier of any lands on which any such van tent or other similar structure shall be so erected or placed in contravention of any such resolution and who may have knowingly permitted the same shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) Nothing in this section shall apply to any tent van shed or structure erected or used by any portion of Her Majesty's naval or military forces.

(3) The Council shall cause notice of any resolution under this section to be published once in some newspaper circulating in the

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district and to be served on the owners and occupiers of any lands affected thereby.

As to slaughter-houses.

75.—(1) After any two justices of the peace for the borough shall have certified under their hand that the Council have provided adequate slaughter-houses and after the expiration of two months from the date of publication by the Council in two local newspapers circulating in the district of notice to that effect no person shall slaughter in the way of trade any cattle horse sheep or pig within the district except in such slaughter-houses Provided that as regards premises occupied by persons holding licences to slaughter cattle horses sheep or pigs such prohibition shall not take effect until the end of the then current year for which the licence has been granted unless the Council shall have made compensation to the licencee in respect of the unexpired portion of such year If any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(2) The Council shall make compensation to the owner and occupier of any registered slaughter-house within the district who shall be injuriously affected by the exercise of the prohibition in this section contained.

(3) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order regulation licence or act of the Board of Agriculture or of any local authority made granted or done thereunder.

PART V.

FINANCE.

Power to borrow.

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

(A) For the purchase of Pymmes Park thirty thousand pounds;

(B) 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 the purchase of Pymmes Park or for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the

Council may mortgage or charge the district fund and general district rate.

Power to borrow under Local Loans Act 1875.

77. The Council if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates 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 "Mode of payment off of moneys borrowed" 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.

78. 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.

79. 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).

Period for payment off of moneys borrowed.

80. 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 purchase of Pymmes Park within sixty years from the date of the first borrowing of any moneys for such purposes;

As to moneys borrowed for any of the purposes of this Act with the approval of the Local Government Board within such respective periods not exceeding sixty years as that Board may think fit to sanction;

As to moneys borrowed for the payment of the costs charges and expenses provided for by the section of this Act whereof the marginal note is "Expenses of Act" within five years from the date of the borrowing of the same.

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Mode of payment off of moneys borrowed.

81.—(1) The Council shall pay off all moneys borrowed by them on mortgage 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 equal annual payment to the sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act:—

(A) The Council in every year shall appropriate and set apart out of the district fund and general district rate such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum (herein-after in this section referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period:

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stock debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Council and securities transferable by delivery) and if and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the prescribed rate any deficiency shall be made good out of the district fund and the general district rate and if and so often as the income derived from such investments is in excess of the income which would be derived therefrom at the prescribed rate any such excess may be applied as part of such equal annual payments:

(C) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so

applied at the rate per centum on which the equal annual payments to the sinking funds are based :

(d) Whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Power to reborrow.

82. 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 reborrow the same but all moneys so reborrowed shall be repaid within the prescribed periods 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 diminished by reason of such reborrowing.

Protection of lender.

83. 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 moneys borrowed.

84. 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.

85. The clerk shall within twenty-one days after the thirty-first 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

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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 of 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 Acts in a summary manner may be recovered by parties aggrieved within the meaning of those Acts 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 money 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.

86. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estate 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.

Expenses of execution of Act not otherwise provided for.

87. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund.

PART VI.

Miscellaneous.

Undertakings to be binding on owners.

88.—(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 rack rent 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 rack rent.

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Form and service of notices &c.

89. In the case of any notice or demand under this Act requiring authentication by the Council and in the case of licences and certificates granted by the Council under any general or local Act the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Penalty on occupiers refusing execution of Act.

90.—(1) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Act or under any byelaw made under the powers of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(2) If the occupier of any premises when requested by or on behalf of the Council to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show good cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding two pounds.

Damages and charges to be settled by justices.

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

Compensation how to be determined.

92. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall

in case of dispute be ascertained in the manner provided by the Public Health Acts.

Information by whom to be laid.

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

As to appeals against nuisance orders.

94.—(1) Where a nuisance order is made and a person does not comply with it and appeals against it to the court of quarter sessions and such appeal is dismissed or is abandoned the appellant shall be liable to a penalty not exceeding twenty shillings a day during the non-compliance with the order unless he satisfies the court before whom proceedings are taken for imposing such penalty that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay and where the appeal is heard by the court of quarter sessions that court may on dismissing the appeal impose the penalty as if the court were a petty sessional court.

(2) Where a nuisance order is made on any person and appealed against and the court which made the order is of opinion that the continuance of the nuisance will or may be injurious or dangerous to health and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages the court may authorise the Council immediately to abate the nuisance but the Council if they do so and the appeal is successful shall pay the costs of such abatement and the damages (if any) sustained by the said person by reason of such abatement but if the appeal is dismissed or abandoned the Council may recover the cost of the abatement in a summary manner from the said person.

General provisions as to bye-laws.

95. All byelaws from time to time made by the Council under the powers of this Act shall be made under and according to the provisions contained in sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority.

As to appeal.

96. 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 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

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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.

Recovery of penalties &c.

97. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Application of penalties.

98. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Council be paid to the treasurer of the Council and be by him carried to the credit of the district fund.

Powers of Act cumulative.

99. All powers given to the Council by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Acts or other Acts amending the same respectively and such other powers may be exercised in the same manner as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Judges not disqualified.

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

Saving for indictments &c.

101. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings nor shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that no person shall be punishable twice for the same offence.

Inquiries by Local Government Board.

102.—(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 that

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

Expenses of Act.

103. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act) or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the powers of this Act.

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The SCHEDULE referred to in the foregoing Act.

Description of Premises.

All those pieces or parcels of land with the mansion house thereon situate at Edmonton in the county of Middlesex and bounded on the north by land belonging partly to the Ecclesiastical Commissioners and partly to the trustees of the late Henry Belward Ray on the east by Hyde Lane and a new street lately constructed in continuation thereof southward to Silver Street on the south and south-west by Silver Street and on the west by Luke Lane being part of the property heretofore known as Pymmes Park and containing fifty-three acres two roods more or less.

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