CHAPTER lxxviii.

An Act to confer upon the Hornsea Urban District Council powers in relation to the Promenade Gardens and to make further provision for the water supply local government health and improvement of the district. [18th August 1911.] A.D. 1911.

WHEREAS the district of Hornsea is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Hornsea (in this Act referred to as "the Council"):

And whereas the population of the district is increasing and the district is frequented in the summer by a large number of visitors and it is expedient that the Council should be enabled to provide for their recreation and shelter:

And whereas the Council have constructed certain sea defence works for the purpose of protecting the coast within the district from the encroachments of the sea:

And whereas the expenditure in connection with the construction of the said works amounted to the sum of eleven thousand pounds and this amount has been defrayed out of moneys borrowed with the sanction of the Local Government Board and of the said sum of eleven thousand pounds the sum of one thousand seven hundred and forty-two pounds has been repaid and there remains a balance outstanding of nine thousand two hundred and fifty-eight pounds:

And whereas the said works afford protection from the encroachment of the sea not only to the lands within the district but also to adjoining lands and are of permanent and national importance and it is expedient that provision should be made with respect to the repayment of the said sum:

[*Price* 1*s.* 6*d.*]

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And whereas the Council have under the powers of the Public Health Act 1875 provided a water supply for the district and it is expedient that further powers should be conferred upon the Council in respect thereto:

And whereas it is expedient that further powers be conferred upon the Council for the regulation of streets and buildings and sanitary matters and otherwise in relation to the health local government and improvement of the district:

And whereas the following adoptive Acts are in force within the district (that is to say) the Infectious Disease (Prevention) Act 1890 the Private Street Works Act 1892 and the Public Health Acts Amendment Act 1890 and Parts II. III. V. VI. VIII. IX. and X. of the Public Health Acts Amendment Act 1907 and Part IV. (except sections 61 and 67) and sections 79 81 and 82 of Part VII. of that Act:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-seventh day of October one thousand nine hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Hornsea Guardian a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved to promote the Bill for this Act:

And whereas such resolution was published twice in the Hornsea Guardian a newspaper circulating in the district 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 thirteenth day of February one thousand nine hundred and eleven being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Hornsea Urban District Council Act 1911.

Interpretation.

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

"The district" means the urban district of Hornsea:

"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" and "the inspector of nuisances" mean respectively the clerk and the surveyor to the Council and the medical officer of health and the inspector of nuisances of the district and respectively include any persons duly authorised to discharge temporarily the duties of those officers:

The expression "Promenade Gardens" means and includes the promenade public walks and recreation grounds fronting the sea and generally known as the Promenade Gardens and shown by the colours red and green upon a plan signed in triplicate by Ernest Gardner the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one of which copies is deposited in the Private Bill Office of the House of Commons and another in the Parliament Office of the House of Lords and the remaining copy is deposited with the clerk to the Council and any duly authorised extension thereof but does not include the causeway or walk known as the Lower Deck or

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Promenade and the present gangways or such other gangways as may be substituted therefor on the north and south ends thereof leading thereto from the Upper Deck or Promenade:

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

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

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed:

Terms to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Public Health Acts have the same respective meanings unless varied by this Act or unless there is something in the subject or context repugnant to such construction.

Limits of Act.

3. The limits of this Act for all purposes are the district.

PART II.

PROMENADE GARDENS.

Council may enclose Promenade Gardens.

4. The Council may extend enclose alter and improve the grounds and walks known as the Promenade Gardens within the district and may erect and maintain thereon concert halls pavilions conservatories band stands assembly rooms reading rooms refreshment rooms waiting rooms shelters and other conveniences in connection therewith including the lighting and heating thereof and make and maintain bowling greens tennis

courts skating rinks croquet lawns and employ such labour as may be expedient for keeping the same in a good state of repair. A.D. 1911.

Power to charge for admission.

5. The Council may make such reasonable charges as they may think fit for admission to and for the use of the Promenade Gardens and they may also make such further charge for the use of chairs and for admission to the concert halls pavilions conservatories assembly rooms reading rooms and other conveniences in connection therewith and for playing bowls tennis croquet and other games as they may deem fit.

Provision of entertainments.

6.—(1) The Council may arrange for the provision or carrying on of suitable concerts entertainments exhibitions performances and amusements and for the sale of programmes and refreshments in the Promenade Gardens or in any building therein contained or in any recreation ground or promenade for the time being vested in them or under their control or upon any land for the time being belonging or leased to them and the Council may let any building belonging to them in the Promenade Gardens or in or upon any such recreation ground promenade or land as aforesaid for the purposes of such concerts entertainments exhibitions performances or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Council may think fit.

(2) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions performances or amusements provided or carried on in pursuance of this section.

Power to advertise entertainments.

7. The Council may in any year out of the district fund pay or contribute towards the cost of providing and maintaining at public places in the district and in newspapers published in the county of York advertisements of the concerts entertainments exhibitions performances and amusements provided or carried on in pursuance of this Part of this Act Provided that such payments or contributions shall not in any year exceed the amount of the surplus revenue of the Council under this Part of this Act in the previous year.

Receipts and expenses under this Part of Act.

8. The moneys received by the Council under this Part of this Act shall be carried to the credit of the district fund and the expenses incurred by them in exercising the powers contained in this Part of this Act may be paid out of the same fund.

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PART III.

STREETS AND BUILDINGS.

Continuation of existing streets to be deemed new streets.

9. Every continuation of an existing street shall for the purposes of the Public Health Acts and 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.

No building allowed until street defined.

10.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

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

Intersecting streets.

11.—(1) No street shall be laid out within the district exceeding one hundred and twenty yards in length without an intersecting street at intervals of not more than one hundred and twenty yards throughout such street.

(2) Any person who shall offend 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.

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

12. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the 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 six weeks after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings

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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.

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

Council may define future line of streets.

14.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the 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 or road 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 the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the 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 or road than such line.

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

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(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 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 and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building 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 or road shall be fairly estimated by the Council 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.

For preventing soil and sand being washed into streets.

15.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried (otherwise than by wind) into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

For preventing water flowing on to footpaths.

16. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the

water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Trees or shrubs overhanging footpaths.

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

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Water-courses not to be covered in except according to approved plans.

18.—(1) Before the owner of any land within the district shall culvert or cover over any watercourses thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans sections and specifications of such watercourses and the method of culverting or covering in the same and the Council may subject as hereinafter provided require such owner to so construct any such culvert or so to cover any such watercourses as to secure the free and uninterrupted passage of the water flowing in any such watercourses.

(2) If any difference shall arise between the Council and such owner as to the expediency necessity or otherwise of the works required by the Council to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) Any person offending against this section or failing to comply with any requisition duly made by the Council under

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this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Removal of obstructions in Marine Drive.

19. The Council may by order require the removal of the posts gate and turnstile at the southern end of Marine Drive and if such posts gate and turnstile are not removed within fourteen days after such order shall have been published by advertisement in a newspaper circulating within the district the Council may thereupon remove such posts gate and turnstile and the provisions of sections 305 and 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Saving for North Eastern Railway Company.

20. Nothing in this Part of this Act shall apply to any private street buildings or property (not being a dwelling-house) belonging to the North Eastern Railway Company which shall be situate upon the railway or within the railway or station premises of that company and which are used or are intended to be used as part of the undertaking of that company nor to any lands which adjoin their railway and are used or intended to be used as part of their railway or works.

PART IV.

SEWERS DRAINS AND OTHER SANITARY PROVISIONS.

Council may require enlarged sewer.

21. If in any street not repairable by the inhabitants at large the Council shall for the purpose of main drainage or otherwise require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Council may make communication between private drains and their sewers.

22. If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

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

23.—(1) If it appears to the Council that two or more houses 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 when the drains of such houses are first laid 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 of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council.

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

24. The powers given by section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Reconstruction of drains.

25.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws of the Council relating to the drainage of existing buildings.

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

Street orderly bins.

26. The Council may provided and maintain orderly bins for the collection and temporary deposit of street refuse in upon or under the streets or promenades in the district of such dimensions and in such positions as they may from time to time determine.

Regulation dustbins.

27. The Council may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron or enamelled iron dustbins for the convenient removal of house

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refuse and such dustbins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not authorise the Council to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

For regulating manufacture and sale of ice-cream.

28.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the district—

(A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly printed or inscribed on such cart barrow vehicle or stand and any person who shall fail

to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

Inspection of premises of dealer in ice-cream.

29.—(1) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry in such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

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

30.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council chamber and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART V.

SEASHORE.

Meaning of expression "seashore."

31. In this Act the expression "the seashore" means the foreshore and all the beach and sands and any sea-wall or bank adjoining the same within the district now or hereafter belonging to or leased to the Council.

Seats and chairs may be provided.

32. The Council may place or authorise any person or persons to place seats or chairs in any street or on the seashore and lands adjacent thereto now or hereafter belonging to or leased to them for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for

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regulating the use of the seats and chairs and for preventing injury or damage thereto provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Protection of bathers.

33. The Council may employ and pay boatmen for the purpose of protecting persons whilst bathing.

Power to appoint officers.

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

PART VI.

WATER.

Supply of water by hosepipe to stables &c.

35. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Byelaws for preventing waste &c. of water.

36.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and

under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such persons and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable. A.D. 1911.

Water undertaking to be carried on under Public Health Acts.

37. The provisions of this Act shall apply to the existing water undertaking of the Council which shall continue to be carried on by them under the powers of the Public Health Acts relating to water supply.

Part VII.

Financial Provisions.

Power to borrow.

38. The Council may from time to time borrow at interest for payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act" on the security of the district fund and general district rate any sums not exceeding the amount ascertained as in that section provided.

Power to borrow additional moneys with consent of Local Government Board.

39. The Council may also from time to time with the sanction of the Local Government Board borrow at interest such further moneys as may be required for any of the purposes of this Act on the security of the district fund and general district rate.

Provision as to mortgages

40. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Council under this Act as if they were with necessary modifications re-enacted in this Act.

Protection of lender from inquiry.

41. A person lending money to the Council 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 misapplication or non-application of the money lent or any part thereof.

As to repayment of borrowed money.

42. All moneys borrowed by the Council under the authority of this Act for the payment of the costs of this Act shall be paid off within five years from the passing of this Act and with respect to moneys borrowed by the Council under the authority

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of this Act with the consent of the Local Government Board within such terms not exceeding sixty years as the Local Government Board may prescribe.

Extension of period for repayment of loans for sea defence works.

43. The respective periods of ten years and twenty years allowed for repayment of the sums of four thousand three hundred and sixty-seven pounds and eight thousand one hundred and thirty-three pounds which the Council were authorised to borrow for sea defence works by sanctions of the Local Government Board dated respectively the twenty-second day of June 1906 and the ninth day of August 1906 may be extended by such number of years as the Local Government Board may upon the application of the Council determine.

Mode of payment off of borrowed money.

44. 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 combined or partly by one of those methods and partly by another of them and the payment of the first instalment shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Return to Local Government Board.

45.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated (whether such instalment or annual payment is required by this Act or by the Local Government Board in virtue thereof to be paid or appropriated) the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Appointment of receiver.

46.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Power to re-borrow.

47.—(1) The Council shall have power—

(A) to borrow for the purpose of paying off any moneys previously borrowed by them under any statutory borrowing power which are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed by them under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

(C) out of moneys derived from the sale of land; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Council not to regard trusts.

48. The Council shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given under the authority of this Act by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Expenses of execution of Act.

49. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

PART VIII.

MISCELLANEOUS.

Occasional licences may be granted.

50. An occasional licence for a hackney carriage or other public vehicle may be granted by the Council to be in force for such day or days or other period less than a year as may be specified in the licence.

Evidence of appointments &c.

51. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Confirmation of byelaws.

52. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act.

Recovery of demands.

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

Recovery of penalties &c.

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

Appeal.

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

A.D. 1911.

Authentication and service of notices &c.

56.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district 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 that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Application of penalties.

57. 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 clerk and be by him carried to the credit of the district fund.

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

58. No matter or thing done or contract entered into by the Council nor any matter or thing done by the clerk or by any member or officer of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing be done or the contract entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

Inquiries by Local Government Board.

59.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under 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 referred to in 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.

Informations by whom to be laid.

60. 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.

Saving for indictments.

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

Judges not disqualified.

62. 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 liable to any rate.

Works below high-water mark not to be commenced without consent of Board of Trade.

63. The Council shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights of lord of manor of Hornsea.

64. Nothing in this Act shall restrict interfere with diminish override alter or prejudicially affect any franchise right title privilege power or exemption possessed by William Bethell or other the lord of the manor of Hornsea for the time being.

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Crown rights.

65. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Excise licence to be taken out.

66. Nothing in this Act shall in any way affect the liability to take out any excise licence.

Costs of Act.

67. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of 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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