CHAPTER cxix.

An Act to confer further powers upon the Urban District Council for the district of Ilford in the county of Essex. A.D. 1898.

[25th July 1898.]

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

And whereas the population of the district has more than doubled in the last six years and now amounts to upwards of twenty-two thousand persons and owing to its proximity to the metropolis is increasing at a rapid rate:

And whereas it is expedient that the Council should be empowered to work tramways within the district and enter into agreements with the authorities of adjoining districts in relation thereto:

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

And whereas it is desirable that the Council should be empowered to borrow money for the erection of a town hall and public offices and an estimate has been prepared by the Council for and incidental to these purposes and it amounts to the sum of twenty-five thousand pounds:

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:

[*Price* 2*s.* 6*d.*]

A.D. 1898.

And whereas an absolute majority of the whole number of the Council at a meeting held on the eleventh day of November one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Barking East Ham and Ilford Advertiser a local newspaper published or circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged upon the district fund and general district rate:

And whereas such resolution was published twice in the Essex Times 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 nineteenth 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:

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

PRELIMINARY.

Short title.

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

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 Ilford in the county of Essex;

"The Council" means the Urban District Council of the district;

"The clerk" "the surveyor" "the treasurer" "the medical officer of health" "the inspector of nuisances" mean respectively the clerk the surveyor the treasurer the medical

officer of health and any inspector of nuisances for the district and "office" in relation to any of the said officers means the office of such officer at the Town Hall or at such other place as the Council may appoint;

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

"Engine" includes motor;

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

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

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

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house or building which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression "sky sign" shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house or building of any kind or on or over any street or public way but shall not be deemed to include—

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

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

A.D. 1898.

parapet or ridge to against or on which it is fixed or supported ; or

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

"Sanitary convenience" includes urinals waterclosets earth closets pan closets privies ashpits and any similar convenience ;

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

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

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

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

Limits of Act.

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

TRAMWAYS.

Power to Council to work tram ways.

4. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place or run carriages on and may demand and take tolls and charges in respect of any tramways within the district belonging to the Council or authorised to be constructed by them or hereafter purchased by them and in respect of the use of such carriages and may provide such stables buildings and carriages motor cars harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences and may construct and place all such works poles posts and boxes in on and under and all such electric lines along or over any streets in the district as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the

before-mentioned articles and things as from time to time may no longer be required and all works to be executed by the Council in pursuance of the powers of this section shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Power to combine with other authorities.

5. The Council may enter into and carry into effect agreements with any neighbouring local authority or with any company working tramways in any neighbouring district for the working of tramways within the district of the Council by combination with such neighbouring authorities or companies and may in pursuance of such agreement run the carriages of the Council outside their district and may demand and take tolls and charges in respect thereof.

Provisions as to motive power.

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

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

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

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

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

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

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

may by order either direct the Council or any other local authority company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the

A.D. 1898.

Board of Trade may impose and the Council or any other local authority company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electric power.

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

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

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

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

(4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

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

and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

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

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

Saving for railway companies.

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

For protection of Postmaster-General.

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

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

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric

A.D. 1898.

lines and works or by the working of the undertaking of the Council the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

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

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

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

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

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any

manner affected by such act or work or by any use made of such work :

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

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

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

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

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

Byelaws.

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

ROADSIDE WASTE.

Power to deal with roadside waste.

11. Subject to the provisions of the section of this Act (the marginal note whereof is "Saving rights of the Crown") and notwithstanding section 11 (1) of the Local Government Act 1888 or section 26 of the Local Government Act 1894 all public rights over the roadside waste within the district of the Council

A.D. 1898.

and shown upon the plans signed by the Honourable Sir Stafford Northcote Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and thereon coloured green and which is not required for the purpose of free passage along any highway shall vest in the Council and they may subject to the provisions of this Act inclose the same or plant it with trees and shrubs or if in their opinion it may be desirable so to do in the interest of the district they may sell such rights or exchange the same for other adjoining land Provided that the Council shall in no case reduce the width available to the public of any street to less than forty feet.

Saving rights of Postmaster-General.

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

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

(3) The expression "telegraphic line" has the same meaning in this section as in the Telegraph Act 1878.

Saving rights of the Crown.

13. Nothing in this Act contained shall vest in the Council or authorise the Council in any manner to interfere with any roadside waste land or ditch or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in the right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

A.D. 1898.

For protection of county council of Essex.

14. For the protection of the county council of Essex (hereinafter referred to as "the county council") the following provisions shall have effect (that is to say) :—

Nothing in this Act contained shall be held to authorise the Council to enclose plant sell exchange or otherwise in any way deal or interfere with any roadside waste adjoining any part of the main roads within their district or to empower the Council to cause to be filled up or in any way to interfere with any ditch at the side of across or along any such main road without the consent in writing under the seal of the county council in each case being first had and obtained and which they are hereby authorised to give :

In any case in which the Council shall apply to the county council for such consent as aforesaid their application shall be accompanied by a plan together with full written particulars of the proposals of the Council :

All moneys received upon the sale of any such rights over roadside waste as aforesaid or by way of compensation for exchange or otherwise in respect thereof shall be paid over by the Council to the county treasurer and shall be applicable by the county council towards the discharge of any loan of the Council or otherwise for any purpose for which capital may be applied by the Council.

As to covering in of ditches &c.

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

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.

A.D. 1898.

Council may take proceedings for preventing obstructions in watercourses.

16. 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.

NEW STREETS.

As to plans &c. deposited with the Council.

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

Deposit of plan to be void after certain intervals.

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

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

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

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

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

Intersecting streets.

19. 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 on lands forming portion of the same estate unless the Council otherwise allow there shall be an intersecting street between such streets at each end thereof respectively.

No buildings allowed until street formed.

20. 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 or such part thereof as may be required by the Council shall have been defined by posts or in some other sufficient manner to the satisfaction of the Council to indicate the

approved line and level thereof and where any such street has been so defined no new building abutting on any such street or the curtilage whereof shall so abut shall be let or sold as a dwelling-house until such street or so much thereof as shall be necessary for forming a proper approach to such building shall have been properly made up with hard core and gravel and properly rammed down drained and levelled to the satisfaction of the surveyor Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Council may define future line of streets.

21.—(1) Where any street in the district 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 so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the chairman of the Council 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 if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of 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 for any loss or damage which 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 such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Council requiring the said line to be observed and kept.

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

A.D. 1898.

(5) If after any such line has been defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to vary position or direction of new streets.

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

Council may declare where streets begin and end.

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

Crossings for horses or vehicles &c. over footways.

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

Waste land to be fenced.

25. If any building land adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of any such fence a source of danger to passengers or is or may be used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the surveyor to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction.

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

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

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

27. 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 one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they 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.

28. No new building shall without the approval of the Council be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Council shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of 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 halfway 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

A.D. 1898.

the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Erection of buildings to greater height than adjoining buildings.

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

Height of chimneys.

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

(1) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing house dye house gasworks corn mill foundry or buildings used for manufacturing purposes or for the carrying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto and in all cases where any chimney serves the furnace of a steam engine the chimney shall be raised to an additional height from such level adapted to the power of such engine according to the following scale (that is to say) If such steam engine be of more than ten horse-power and do not exceed thirty horse-power the height of such chimney shall not be less than eighty feet if such steam engine be more than thirty horse-power and do not exceed forty horse-power the height of such chimney shall not be less than one hundred and ten feet and if such steam engine be more than forty horse-power the height of such chimney shall not be less than one hundred and twenty feet :

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

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

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

Yards to be paved.

31. 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 drains of such house and within twenty-one days after such notice shall have been so given to complete such several works to the satisfaction of the Council and if such owner shall make default in complying with any of such requirements to the satisfaction of the Council within the respective times aforesaid the Council may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Council by such owner and shall be recoverable summarily and until payment shall be a charge upon the premises.

Entrances to courts not to be closed.

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

NEW BUILDINGS.

What to be deemed new buildings.

33. 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

A.D. 1898.

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 or part of a room used as a shop;

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

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

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

Exemption of certain buildings.

34. Without prejudice to any existing rights of Her Majesty the provisions of this Act shall not apply to any building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown under the management of the Commissioners of Woods unless upon notice or with the consent given in writing by the Commissioners of Woods on behalf of Her Majesty (which notice and consent such Commissioners are hereby authorised to give and which if given may extend to the whole or any specified part or parts of the hereditary revenues under their charge) or to any building structure or work vested in or in the occupation of Her Majesty Her heirs and successors in trust for the public service or vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

As to temporary and movable buildings.

35.—(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 building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

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

A.D. 1898.

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

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

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

(*a*) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district 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 any right of light.

Byelaws as to building materials.

36. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Council to make byelaws with

A.D. 1898.

respect to the materials with which new buildings shall be constructed and with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

DANGEROUS STRUCTURES AND OBSTRUCTIONS.

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

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

Trees or shrubs overhanging streets.

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

Regulations as to sky signs.

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

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

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

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

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

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

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

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

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

Prevention and removal of projections over streets.

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

RECREATION GROUNDS.

Council may erect buildings &c.

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

Power to Council to let refreshment rooms &c.

42. The Council may let any refreshment rooms with their appurtenances belonging to them or under their control to such

A.D. 1898.

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.

Council may let pavilions &c.

43. The Council may let any pavilions or other buildings for the purpose of meetings or entertainments and may make such charge and impose such conditions as they may think fit.

Power to provide apparatus for games.

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

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

45. The moneys (if any) received from the admission of any persons to any public park garden or recreation ground belonging to the Council or under their control and management or any reading room assembly room pavilion or building or from the letting of any refreshment rooms or other buildings or from the letting of any apparatus for playing at games shall after providing for the maintenance of such parks gardens and recreation grounds or any of them be carried to the district fund.

As to public bands.

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

Power to set apart land for games.

47. The Council may set apart portions of any park or place of public resort or recreation for the time being belonging to them or under their control and management for cricket football archery and other games and for the drill of volunteers yeomanry or cadets or any military or police force or for the purpose of the delivery of speeches or other matters or the holding of meetings but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws with respect to the use of the portions of the park or place so set apart.

Power to Council to appoint officers.

48. The Council may appoint officers for securing the observance of this part of this Act and of the regulations and byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose.

SANITARY PROVISIONS.

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

49. If it appear to the Council that two or more houses plans for which have been approved after the thirtieth day of April 1898 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 shall if constructed by the Council be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and may be recovered by the Council from such owners and occupiers in a summary manner before a court of summary jurisdiction.

As to separate sewers.

50. Where in any street separate sewers have been provided and are maintained for surface water and for sewage no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewer Provided that in the case of any house or premises existing at the time of the provision of such separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient to effectually drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof:

Any person or body offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Wilful damage to drains

51. If any person cause 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:

A.D. 1898.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Inspection of drains &c.

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

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

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

Cleansing of cisterns.

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

Provisions as to houses without water supply.

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

Council may require removal or alteration of urinals.

55. 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 five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section contained shall extend or apply to any urinal or convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

Urinals to be attached to refreshment houses &c.

56. 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

A.D. 1898.

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 five pounds and to a daily penalty not exceeding ten shillings.

As to underground rooms.

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

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

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

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

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

Cowkeepers and others to furnish lists of customers in certain cases.

60. Whenever it shall be certified to the Council by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Council may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the district and such dairyman shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this

enactment shall for such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Articles of bed and body clothing to be purified.

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

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

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

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

Explaining section 124 of Public Health Act 1875.

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

Dairymen to notify infectious disease existing among their servants.

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

Prohibition on infected person carrying on business.

65. No person suffering from an infectious disease or who is living in a house in which there is a case of infectious disease shall milk any animal or pick fruit or engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread the

A.D. 1898.

infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

Milk of cow affected with tuberculosis &c. not to be served.

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

Compensation to dairymen.

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

Compensation to nurses &c.

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

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

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

Protection against infection of books in public libraries.

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

Council may pay expenses of person in hospital.

71. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Council may if they think fit themselves pay the expenses arising out of the reception and maintenance of such person.

Council may provide nurses.

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

Byelaws regulating hospitals.

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

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

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

FINANCIAL PROVISIONS.

Power to borrow.

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

(1) For and incidental to the erection of a town hall and public offices on a piece of land situate on the south side of the High Street Ilford conveyed to the Council by indenture of conveyance dated the twenty-fourth day of October one thousand eight hundred and ninety-three the sum of twenty-five thousand pounds;

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

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

Security for moneys borrowed.

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

Mode of raising money.

77. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another :

A.D. 1898.

Every such loan shall be discharged within the prescribed periods and where any such loan is made repayable by means of a sinking fund the provisions of the section of this Act whereof the marginal note is "Sinking fund" shall apply to such sinking fund in lieu of the provisions of section 15 of the Local Loans Act 1875.

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

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.

Periods for payment off of money 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 and incidental to the erection of a town hall and public offices within fifty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for paying the costs and expenses of this Act within five years from the date or dates of the borrowing of the same ;

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

Mode of payment off of money borrowed.

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

Sinking fund.

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

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the

moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

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

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

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

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

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

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

A.D. 1898.

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

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

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

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

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

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

Power to re-borrow.

83. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being

borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be doomed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be affected by reason of such re-borrowing.

Protection of lender from inquiry.

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

Application of money borrowed.

85. 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.

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

A.D. 1898.

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.

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

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 sub-section 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.

Proceeds of sale of lands to be treated as capital.

89. The proceeds of sale of any surplus lands of the Council under the powers of this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act or other moneys borrowed by the Council but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Exemption for railway companies.

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

Compensation how to be determined.

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

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

92.—(1) The captain or superintendent of the fire brigade of the Council or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Council or any other fire brigade including the fixing of the

A.D. 1898.

positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

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

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

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

In executing works for owner Council to be repaid all expenses.

94. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

As to appeal.

95. 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 sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal.

Inquiries by Local Government Board.

96.—(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.

Byelaws.

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

Expenses of Act.

98. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall after taxation as taxed by the taxing officer of the House of Lords or the House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of any of their rates or funds and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

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