CHAPTER clxxv.

An Act to empower the Leyton Urban District Council to work Tramways for the time being owned by them within their District to make further and better provision for the good government and improvement of the District and for other purposes. [2nd August 1898.] A.D. 1898.

WHEREAS the Leyton Urban District Council (herein-after called "the Council") are the local authority for the urban district of Leyton (herein-after called "the district") which is situate in the county of Essex and on the south and south-west is coterminous partly with the administrative county of London and partly with the borough of West Ham:

And whereas under or by virtue of the Acts and Orders mentioned or referred to in the schedule to this Act the Council have or claim to have powers for the purchase of so much of the tramways undertaking of the North Metropolitan Tramways Company and of so much of the undertaking of the Lea Bridge Leyton and Walthamstow Tramways Company as is respectively situate within the district:

And whereas the Council propose to exercise the said powers of purchase and it is expedient to confer on the Council such powers as are in this Act contained for working the tramways which may be acquired by the Council and otherwise in relation thereto:

And whereas the population of the district is now estimated to be nearly ninety thousand and the erection of new houses and buildings is continually proceeding:

And whereas the gross rateable value of the district is upwards of two hundred and seventy-six thousand pounds:

And whereas further powers are required by the Council for the regulation of streets and buildings for the prevention of the spread of infectious diseases for the suppression of nuisances and in relation to sanitary matters generally:

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And whereas it is expedient to make such other provisions as this Act contains for the good government and order of the district:

And whereas it is expedient to authorise the Council to borrow with the sanction of the Local Government Board such sums as may be required for the purposes of this Act:

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

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

And whereas that resolution was published twice in the said Stratford Express 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 fourth day of January one thousand eight hundred and ninety-eight not less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of 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):—

PART I.—Preliminary.

Short title.

1. This Act may be cited as the Leyton Urban District Council Act 1898.

Division of Act into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.
Part II.—Power to work Tramways.
Part III.—Streets and Buildings.
Part IV.—Sanitary.

Part V.—Infectious Diseases.
Part VI.—Common Lodging Houses.
Part VII.—Recreation Grounds.
Part VIII.—Police.
Part IX.—Financial.
Part X.—Miscellaneous.

Limits of Act.

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

Execution of Act.

4. Subject to the provisions of this Act this Act shall be carried into execution by the Council.

Interpretation.

5. In this Act unless the context otherwise requires—

"The clerk" "the medical officer of health" and "the surveyor" mean respectively the clerk the medical officer of health and the surveyor for the district and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

"Mechanical power" includes steam electric and every other motive power not being animal power;

"Engine" includes motor;

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

"Dairy" includes any farm-house cow-shed milk-store milk-shop or other place from which milk is supplied or in which milk is kept for the purposes of sale;

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

Words and expressions to which meanings are assigned by the Public Health Act 1875 and the Public Health Acts Amendment Act 1890 have in this Act the same respective meanings.

PART II.—Power to Work Tramways.

Power to Council to work tramways.

6. It shall be lawful for the Council to exercise with respect to any tramways authorised by the Acts mentioned in the schedule to this Act which shall have been purchased or acquired by them under their statutory powers the same powers of working such tramways respectively as were possessed by the company or companies respectively owning such tramways and the Council may provide place and run carriages thereon and provide such horses cars fixed and movable plant harness and apparatus as may

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be requisite or convenient for enabling the Council to exercise such powers and they may employ such persons as may be requisite or convenient for working the tramways for the time being worked by them.

The several provisions relating to the working of any such tramways and to the taking of tolls rates and charges therefor which are contained in any Act relating to any such tramway shall extend and apply mutatis mutandis to and in relation to such tramway for the time being worked by the Council and to the Council instead of to the company.

Power to provide stables and buildings.

7. The Council may erect provide and hold such stables and buildings as may be requisite or convenient in connexion with the working of such tramways But nothing in this Act shall exonerate the Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them by the exercise of the powers of this section.

Power to combine with other authorities.

8. The Council may enter into and carry into effect agreements with any neighbouring local authority or with any company working tramways in any neighbouring district for the more effective or economical working of the tramways within the district by combination with such neighbouring authority or company and may in pursuance of any such agreement grant running powers over the tramways of the Council or run the tramcars belonging to the Council outside the district and may demand and take tolls and charges in respect thereof not exceeding the tolls and charges which may be taken on the respective tramways but no such agreement shall without the consent in writing of the London County Council be operative as regards any tramway within the county of London.

Further provisions as to exercise of running powers.

9. Nothing in this Act shall authorise the Council to enter into or carry into effect any agreement or arrangement with respect to the exercise of running powers by the Council over any tramway situate without their district unless with the consent in writing of the council of the county and the district council of the district within which such tramway is situate (which consent shall not be unreasonably withheld).

If at any time any dispute or difference shall arise between the Council on the one hand and any such county council or district council on the other hand as to the reasonableness of granting such consent or in any way as to the conditions to be attached thereto the same shall from time to time be referred to the determination and award of an arbitrator to be appointed at the request either of the Council or of such other county or district council by the Board of Trade and the decision of such arbitrator both as to the

matters in question and as to the payment of the costs of and incidental to the reference and award shall be final and conclusive and binding on all parties. A.D. 1898.

Prohibiting the raising of fares on Sundays and holidays.

10. It shall not be lawful for the Council or their lessees or any company or person working or using any tramway of the Council to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary weekdays.

Conveyance of mails.

11. Notwithstanding any provision in any Act or Provisional Order relating to any tramway purchased or acquired by the Council the Conveyance of Mails Act 1893 shall extend and apply to the Council and to any such tramway as aforesaid which is worked by the Council under the powers of this Act as if such tramway had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three.

Provisions as to motive power.

12. The carriages used on any tramways purchased or acquired by the Council 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 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 daily penalty not exceeding five pounds:

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

(A) That the Council or such 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 such company or person to cease to use such mechanical power or permit the

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same to be continued only subject to such conditions as the Board of Trade may impose and the Council or such 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.

13. 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 adoption by the Council of electric power 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.

For protection of Postmaster-General.

14. 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 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

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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 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Council were undertakers within the meaning of those sections without prejudice nevertheless to any operation which

the other section 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 in case of use of mechanical power.

15. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways purchased or acquired by the Council upon which mechanical power may be used under this Act for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

For regulating the emission of smoke or steam from engines used on the tramways;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all byelaws and Board of Trade Regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere:

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Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Amendment of Tramways Act 1870 as to byelaws by local authority.

16. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Council to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade Regulations at which engines are to be driven or propelled on the tramways under the authority of this Act but the Council may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c. of Board of Trade.

17. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Recovery of penalties.

18. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Audit of tramway accounts.

19. Proper accounts of the receipts and expenditure of the Council in connexion with the purchase and working of the tramways shall be kept by the Council and shall be subject to audit in like manner and with the like incidents as accounts of the Council under the Public Health Act 1875.

For protection of Corporation of West Ham.

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

(1) The Council and the corporation shall each respectively if required by the other permit all necessary and convenient junctions and communications to be made and maintained between the tramways of the Council and the tramways of the corporation and shall each respectively if required by the other grant to the other and to their respective assignees lessees and licencees all such reasonable running powers and traffic facilities over and on their respective tramways upon such terms and conditions as to payment compensation or otherwise as may be agreed upon between them or in case of difference as shall be settled by an arbitrator to be appointed as occasion arises on the application of either party by the president for the time being of the Board of Trade whose decision shall be final:

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

PART III.—Streets and Buildings.

Approval of plan to be void after certain interval.

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

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

As to plans and sections approved before the passing of this Act within three years from the passing of this Act:

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

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

Retention of plans &c. deposited with Council.

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

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Power to vary position or direction of new streets.

23. When any plans or sections of any new street are submitted to the Council for approval the Council may vary or alter the position direction or level of any 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.

Intersecting streets.

24. No new street shall be laid out more than two hundred yards in length without an intersecting street.

Council may define future line of streets.

25.—(1) Where any street is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may prescribe what shall 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 shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe the said 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 street and the same when purchased shall vest in the Council as part of the street.

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

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

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

No buildings allowed until street defined.

26. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Council to indicate the approved line and level thereof 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.

Fencing vacant lands adjoining streets.

27. If any land adjoining any street is allowed to remain unfenced or the fences thereof to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the clerk 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.

Dangerous places to be repaired or enclosed.

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

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the specified period the Council may cause such works as they think proper to be done for effecting such repair removal fencing or inclosure and the expenses thereof shall be payable by the owner and may be recovered summarily unless the court of summary jurisdiction or the court of quarter sessions on appeal shall be of opinion under the circumstances of the case that such expenses should be borne by the Council.

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Trees or shrubs overhanging footpaths.

29. Where any tree hedge or shrub overhangs any public footpath 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 themselves carry out its requisitions doing no unnecessary damage.

Crossing for horses or vehicles over footways.

30. Every person desirous of forming a communication for houses or vehicles across any footway so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footway 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 a plan shall have been required then in accordance with the plan so approved and not otherwise If any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such communication as aforesaid has been so made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of the damage (if any) thereby done to such footway.

Restriction on advertising hoardings &c.

31.—(1) Every hoarding or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Council.

(2) It shall not be lawful after the commencement of this Act to erect any hoarding or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding as the Council may determine.

(3) The owner or other person using any hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Council and if any papers affixed for advertising

purposes to such hoarding wall or other structure fall away or become detached shall forthwith remove and clear away such papers.

(4) This section shall not apply to any hoarding or similar structure affixed to any railway station and used for the purpose of any railway company but it shall apply to any hoard abutting upon a public road or placed or erected upon bridges of any railway company facing a road or street.

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

(6) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable in like manner as a penalty under this Act.

Restriction on advertising vehicles.

32. It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit Any person aggrieved by the refusal of the Council to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he give twenty-four hours' notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they think fit and to award costs such costs to be recoverable in like manner as a penalty under this Act.

What to be deemed new buildings.

33. From and after the passing of this Act—

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

The conversion of a dwelling-house into any other building not intended for human habitation;

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

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

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

Exemption of Government property from building regulations.

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

As to temporary and movable buildings.

35.—(1) Before any person erects or sets up any temporary or movable building 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 plans and sections and specifications signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

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

(4) If any such building is commenced erected or set up without such application accompanied by such plans sections and specification or after the disapproval of the Council or before the expiration of the said twenty-one days without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Council may cause such building to be pulled down or

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

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

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

(B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion ;

(C) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light ; and

(D) Structures or erections erected or set up upon the premises of any railway company and used for the purposes of or in connexion with the traffic of any railway company.

Height of buildings.

36. 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 half way between the level of the eaves and the ridge In the case of a roof

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which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Height of chimneys.

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

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

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

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

(4) Any person offending 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.

Sky signs.

38. It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act or during that period except with the licence in writing of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed

Provided that in any of the following cases a licence of the Council under this section shall become void (namely) :—

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

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

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

(4) If any addition or alteration be made to or in the house building or structure 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 structure over on or to which the sky sign is placed or attached becomes unoccupied or be demolished or destroyed :

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

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

Definition of sky sign.

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

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weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement (ii) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported or (iii) 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 or premises belonging to a railway company and which is also so placed that it could not fall into any street or public place.

Yards to be paved.

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

Entrances to courts not to be closed.

41. The entrance to any court or similar place 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.

As to private roads laid out by a railway company.

42. Nothing in this part of this Act shall extend or apply to any private road yard or open space formed or laid out by a railway company and used solely as an approach to a station or a station yard.

Lighting of common stairs &c.

43.—(1) The owner or owners of common stairs or passages or private courts or of houses or buildings in or entering or having a

right of access by any common stairs or passage or private court shall provide fit and maintain and renew in or on such common stairs passages or private courts all necessary lamps brackets and other means of lighting and all necessary means of extinguishing the light and shall provide the necessary supply of gas or other light as may be required by the Council therefor and such owner or owners shall further on being required by the Council within fourteen days next after service of an order for that purpose provide and fit up in such common stairs passages or private courts such number of lamps brackets and other means of lighting and all such means of extinguishing the light as the Council may determine and provide the necessary supply of gas and other light as may be required by the Council and shall maintain alter repair and renew such lamps and brackets to the satisfaction of the Council and shall in all cases clean light and extinguish the lights in such lamps and brackets at such time or times as the Council may require.

(2) In default of compliance with any order of the Council under this section such owner or owners shall each only in respect of any act or default of his own be liable to a penalty not exceeding forty shillings and a daily penalty not exceeding twenty shillings.

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

Power to Council to supply light and charge owner.

44. The Council may in case any owner or owners shall make default in complying with the provisions of the section of this Act whereof the marginal note is "Lighting of common stairs &c." or any requirement of the Council thereunder if they think fit in lieu of proceeding for a penalty at any time provide fit up and maintain and renew in such common stairs passages or private courts all necessary lamps brackets or other means of lighting and all necessary means of extinguishing the light and provide the necessary supply of gas or other light therefor and clean any lamps and brackets and light and extinguish the same and for all purposes aforesaid any officer or servant of the Council duly authorised in writing under the hand of the surveyor shall be entitled to require and shall have access to and from all such common stairs passages or private courts at all times and the Council may in such cases as they think fit recover the expense they

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may incur as a debt from the owner or if there are more owners than one then proportionately from each owner according to the rental received by him in respect to the properties in any house or building or part thereof to which access is obtained by such common stairs passage or private court and such owner or owners shall be entitled to recover the amount expended in providing the supply of gas or other light from the occupiers each such occupier being liable to pay his proportionate part of such amount according to the rent payable by him :

Provided always that the said expense recoverable by the Council as aforesaid shall not in the case of common stairs lighting exceed twenty shillings per burner per annum and in the case of all other lighting exceed twenty-five shillings per burner per annum.

Exemption of buildings of railway companies.

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

PART IV.—Sanitary.

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

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

Provisions as to separate system of sewerage.

47.—(1) From and after the passing of this Act the Council may by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for sewage (in this Act called a "sewage sewer") and they may also declare that any other sewer or sewers for the time being belonging to them shall be appropriated and used for surface water (in this Act called a "surface water sewer") and after such appropriation no sewage shall be permitted to flow into a surface water sewer of the Council or into any drain gutter or watercourse leading thereto

and no surface water shall except with the consent in writing of the Council be permitted to flow or pass into any sewage sewer of the Council.

(2) Where at the time of any such appropriation sewage from any premises shall flow or pass through any drain communicating with any surface water sewer or any surface water from any premises shall flow or pass through any drain communicating with any sewage sewer the Council may execute and do such works and things as may be necessary to cause such drain to communicate with the appropriate sewer.

(3) If after any such appropriation and the completion of any necessary works by the Council under the provisions of the preceding sub-section any person shall cause or knowingly permit any sewage to flow or pass into any surface water sewer or without the consent in writing of the Council shall cause or knowingly permit any surface water to flow or pass into any sewage sewer the person so offending shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings and the Council may close any drain communicating with any such inappropriate sewer and may recover in a summary manner from the person offending any expense thereby incurred Provided that no penalty or expenses shall be incurred by any person in respect of communications with any sewer existing at the time of the passing of the resolution appropriating any such sewer.

Damage to drains &c. so as to cause nuisance.

48. If any person causes any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging or altering the course of the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds:

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

Inspection of drains &c.

49.—(1) The Council if they have reasonable grounds for believing the existence of a nuisance may inspect any drain closet 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 work the surveyor medical officer of health or inspector of nuisances or their

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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 closet or cesspool water supply sink trap syphon pipe or other work or apparatus is attached 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 may enter 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.

(2) 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.

(3) If any such drain closet 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 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.

(4) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection as aforesaid not to have been properly made as aforesaid or to be in bad order and condition and 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 requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition.

(5) If such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and 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 in default in a summary manner.

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

Cleansing of cisterns &c.

50. The Council may 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.

Provision as to houses without proper water supply.

51. 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.

Urinals to be attached to inns &c.

52. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Council Any such owner who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Council may require removal or alteration of urinals &c.

53. If any urinal or closet now or hereafter erected in or 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 the same Any such owner who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings:

Provided that nothing in this section contained shall extend or apply to any urinal or convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

As to underground rooms.

54. 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.

Application of section 73 of Public Health Act 1875 to cellars not let or occupied for hire or rent.

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

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Constant supply of water.

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

PART V.—Infectious Diseases.

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

57. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the Council or to the medical officer of health all cases of infectious disease among persons engaged in or in connexion with his dairy and all cases of tuberculosis or milk or parturient fever to his knowledge occurring in his dairy Any such dairyman who commits any breach of this enactment shall be liable to a penalty not exceeding forty shillings.

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

58. Every dairyman who sells the milk of any cow to his knowledge affected with tuberculosis or milk or parturient fever shall be liable to a penalty not exceeding forty shillings.

Dairymen to furnish lists of customers in certain cases.

59. 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 such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings Every dairyman who wilfully or knowingly offends against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Medical officer may require dairymen to furnish lists of sources of their supply of milk.

60. If the medical officer of health shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish the medical officer of health with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks Every such

person failing to comply with such requirement shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Prohibition on infected person carrying on business.

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

Compensation to dairymen.

62. 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 persons ceasing employment.

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

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

64. Whenever it shall be certified to the Council by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they 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 within a time to be fixed by them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings Any 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.

Protection against infection of books in lending libraries.

65. No person shall return to any lending 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 medical officer of health or to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian If any person offends against

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this enactment he shall be liable to a penalty not exceeding forty shillings.

Section 124 of Public Health Act to apply to persons who cannot be isolated.

66. Section one hundred and twenty-four of the Public Health Act 1875 shall extend and apply to all cases of persons suffering from dangerous infectious disease and being in or upon any house or premises where such persons cannot be effectually isolated so as to prevent the spread of the disease.

Council may provide nurses.

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

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

68. Public notice of this part of this Act shall be given forth with after the passing of this Act by advertisement in two local newspapers circulating in the district and by a notice affixed outside the offices of the Council and by hand-bills or 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 sufficient evidence that the provisions of this section have been complied with.

PART VI.—Common Lodging-Houses.

Regulations as to common lodging-house keepers.

69. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the offices of the Council shall with the approval of the Council in writing under the hand of the clerk of the Council (which approval and registration shall be revocable by the Council) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Penalties on *unregistered* common lodging-house keepers.

70. Every person who without being registered in accordance with section seventy-seven of the Public Health Act 1875 keeps a common lodging-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to refuse registration

71. The Council may notwithstanding the provisions of section seventy-eight of the Public Health Act 1875 refuse to register any

person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position Any person aggrieved by such refusal may appeal to a court of summary jurisdiction after the expiration of two clear days from such refusal provided he gives twenty-four hours' notice of such appeal and the ground thereof to the clerk and the court shall have power to make such order as the court may think fit and award costs such costs to be recoverable in like manner as a penalty under this Act. Appeal of common lodging-house keepers.

72. Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house. Notice to common lodging-house keepers.

PART VII.—Recreation Grounds.

73. The Council may permit the use of the whole or set apart any part or parts of the recreation grounds belonging to them or under their control for cricket football golf lawn-tennis and other games and sports for gymnastics for the drill of any military or police force or of firemen for concerts and other amusements and for any purposes tending to promote the health amusement and enjoyment of the inhabitants and public of the district. Setting apart of recreation grounds for games &c.

74. The Council may provide apparatus for games and recreation for the use of the public frequenting the recreation grounds 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. Apparatus for games.

75. The Council may place or authorise any person or persons to place seats shelters or chairs in any street recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto. Chairs and seats for public use.

76. The Council may in any recreation ground erect maintain furnish and equip and may remove refreshment assembly and reading rooms pavilions and conservatories and may alter temporary or permanent buildings and conveniences which may be required or convenient for the purposes of such recreation ground and the public resorting thereto and may charge for admission to any of such rooms buildings or conveniences or in respect of the use thereof or of any part or parts thereof respectively : Council may erect buildings &c.

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Provided that the Council shall not charge for admission to such reading rooms or museums on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to Council to let refreshment rooms &c.

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

(2) The Council may also let any such pavilion or other building for the purposes of particular meetings or entertainments and may make such charge and impose such conditions as they may think fit.

Byelaws as to recreation grounds.

78. The Council may from time to time make byelaws for all or any of the following purposes :—

For regulating the opening and closing of the recreation grounds or any parts thereof which may for the time being be used let or set apart as aforesaid the admission of persons animals and vehicles thereto the sale of refreshments therein and the use thereof for the purposes for which the same are used set apart or let and generally for the preservation of good conduct and order and prevention of nuisances therein.

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

79. The moneys (if any) received from the admission of any persons to any 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 recreation grounds be carried to the district fund.

PART VIII.—Police.

Recreation grounds to be deemed streets for police purposes.

80. The recreation grounds belonging to or under the control of the Council shall be deemed streets for the purposes of so much of section twenty-eight of the Town Police Clauses Act 1847 as relates to the following offences :—

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

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

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

Every person who wilfully and indecently exposes his person;

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

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

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

Indecent shows &c.

81. If any person exhibits any indecent show or exhibition in any street or in any place to which the public are admitted with or without payment of money he shall for every such offence be liable to a penalty not exceeding five pounds.

Byelaws as to shows roundabouts steam organs &c.

82. The Council may make byelaws for all or any of the following purposes (that is to say):—

For prescribing the hours within which during any fair or at any other time any show booth caravan circus or menagerie may be kept open and for preserving order therein;

For preventing the use of whirligigs roundabouts steam organs or other similar contrivances so as to be a source of danger or annoyance to residents or the public.

Prohibition as to vans tents &c.

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

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

(3) The Council shall cause notice of any resolution under this section to be published once in some newspaper circulating in the district and to be served on the owners and occupiers of any lands affected thereby.

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PART IX.—Financial.

Power to borrow.

84. The Council may from time to time with the consent of the Board of Trade borrow for tramway purposes such sums as they may require on the security of the revenue of the tramways undertaking when acquired by the Council and of the district fund and general district rate and may also with the consent of the Local Government Board borrow for any of the other purposes of this Act such sums as they may require on the security of the district fund and general district rate All sums so borrowed shall be repayable within such periods as may be prescribed by the consent or consents of the Board of Trade or of the Local Government Board as the case may be.

Mode of raising money.

85. 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 Provided that the provisions of this Act whereof the marginal note is "Sinking fund" shall apply 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.

86. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section two hundred and thirty-four 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.

Application of provisions of Public Health Act as to mortgages.

87. 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.

Mode of payment off of money borrowed.

88. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them.

Sinking fund.

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

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

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

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

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

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

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

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

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

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(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 opiniou 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.

Protection of lender from inquiry.

90. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or be

answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

91. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

92. The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Power to re-borrow.

93. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments 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 period prescribed by the Local Government Board and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

94.—(1) The clerk to the Council 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 in respect of moneys borrowed 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 next preceding the making of such return and the description of the securities upon which the same has been invested

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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 (if any) remaining invested at the end of the year.

(2) 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 a summary manner.

(3) If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any such 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 other purposes 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 or applied by the Council as part of the sinking fund and any such order may be enforced by mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Expenses of execution of Act.

95. All expenses incurred by the Council in the execution of this Act which are not defrayed out of borrowed moneys or otherwise provided for shall be defrayed out of the district fund and general district rate.

PART X.—Miscellaneous.

Band of music.

96. The Council may pay or contribute towards the payment of a band of music to perform in any park or pleasure or recreation ground or building for the time being belonging to or held by the Council or elsewhere in the district as they may direct and the Council may enclose a small area within which such band shall play and make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within such building or enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions of the Council for or towards such band shall be paid out of the district fund and general district rate and shall not in any one year exceed an amount which would be produced by a rate of one halfpenny in the pound on the assessable value of the district to the general district rate.

Power to provide organ &c.

97.—(1) The Council may provide and maintain in any suitable public hall or building an organ and may employ and pay organists organ blowers and attendants in connexion therewith.

(2) The Council may hold organ recitals in any such hall or building and may make such reasonable charges for admission thereto as they see fit.

(3) Any profit derived by the Council from such recitals shall be carried to the credit of the district fund.

Inquiries by Local Government Board.

98.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directe l by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

General provisions as to byelaws.

99. All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Council under the powers of this Act Provided that as respects byelaws made under the section of this Act whereof the marginal note is "Byelaws as to shows roundabouts steam organs &c." a Secretary of State shall be substituted for the Local Government Board.

Authentication and service of notices &c.

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

Undertakings &c. to bind successive owners.

101.—(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

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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 sum 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 to 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.

Compensation how to be determined.

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

As to appeal.

103. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate licence or consent or approval of or by

the Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal.

Recovery of penalties &c.

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

Penalties to be paid over to the treasurer.

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

Damages and charges to be settled by justices.

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

Judges not disqualified.

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

Costs of Act.

108. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed on the security thereof and the Council are hereby authorised to borrow such moneys Provided that all moneys borrowed under this section shall be repaid within five years from the time of borrowing the same.

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THE SCHEDULE.

SPECIAL ACTS OR ACTS CONFIRMING PROVISIONAL ORDERS RELATING TO THE TRAMWAYS IN THE DISTRICT.

North Metropolitan Tramways Company:—
33 & 34 Vict. c. clxxii.
43 & 44 Vict. c. xcvii.

Lea Bridge Leyton and Walthamstow Tramways Company:—
44 & 45 Vict. c. clxx.
47 & 48 Vict. c. ccxliv.
52 & 53 Vict. c. clviii.
53 & 54 Vict. c. clxxxii.

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