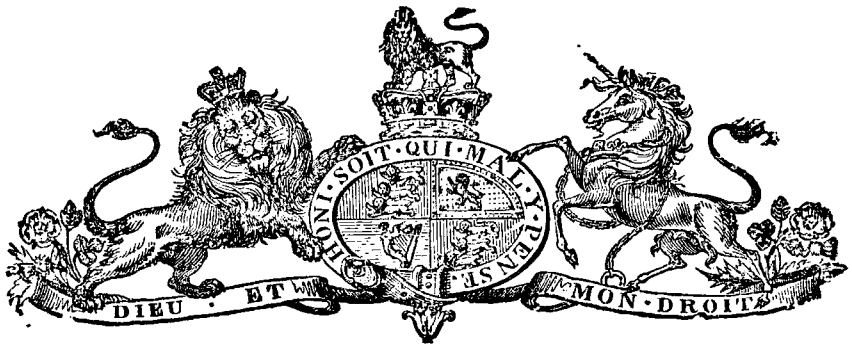


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXI.

An Act to amend the Local Government Act.

[1st *August* 1861.]

WHEREAS it is expedient to amend "The Local Government Act, 1858:" Be it therefore 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:

Provision as to Costs of Proceedings with a view to adopting the Local Government Act, when that Act is not adopted.

1. Ratepayers or Owners making a Requisition for the summoning of Meetings for the Purpose of deciding as to the Adoption of "The Local Government Act, 1858," shall, if required, give Security in a Bond, with Two sufficient Sureties, for Repayment to the Summoning Officer, in the event of the Act not being adopted, of the Costs incurred in relation to such Meetings or Polls taken in pursuance of any Demand made at such Meetings, the Amount of the Security to be given by such Sureties, and their Sufficiency, and the Amount of such Costs, to be settled by Agreement between the Summoning Officer and such Ratepayers or Owners, or in the event of Disagreement between them by any Justice of the Peace acting in and for the Place in which it is proposed that the said Act shall be adopted.

2. The

Every Local Authority invested with Powers of Town Government may adopt any Part of Local Government Act:

Provision for Election of such Local Authorities when elected for Life at the Time of adopting Local Government Act.

2. The Power of adopting any Part of "The Local Government Act, 1858," given by the Fifteenth Section of that Act to any Corporation or Body of Commissioners exercising Powers for sanitary Regulation under the Provisions of any Local Act, shall extend to every Local Authority invested with Powers of Town Government and Rating by any Local Act, by whatever Name such Local Authority is called, and the Words "Local Board" or "Board of Commissioners" as used in the said Local Government Act shall apply to such Local Authority: Provided always, that whenever the Members of such Local Authority are elected for Life they shall adopt, in lieu of the Provisions for Elections contained in the Local Act, the Provisions for and in relation to Elections prescribed by "The Public Health Act, 1848," and "The Local Government Act, 1858," and within One Month of such Adoption One Third of the Members of such Local Authority shall retire, the Order of Retirement to be fixed by the Local Authority, and the Election of Members in lieu of such retiring Members shall be governed in all respects by the said "Public Health Act, 1848," and "Local Government Act, 1858," and be conducted by the Chairman of the Local Authority: Provided also, that such Adoption shall not affect the Qualification fixed for Members of such Local Authority by the Local Act under which it is constituted, or the Qualification and Tenure of Office of *ex-officio* Members of such Local Authority.

Accounts of Improvement Commissioners acquiring borrowing Powers under Local Government Act to be subject to the Provisions of that Act relating to Audit.

3. When any Board of Improvement Commissioners acquires Powers of rating or borrowing Money under the Fifteenth Section of the "Local Government Act, 1858," the Provisions in relation as to Audit of that Act, or of any Act amending that Act, shall be in force in the Case of such Commissioners, as if such Provisions were contained in the Local Act under which they are constituted; and when the Provisions as to Audit of such Local Act are repugnant to or inconsistent with those of the Local Government Act, or any Act amending that Act, then the Audit shall be conducted under the Provisions of the last-mentioned Act.

Local Board may exercise Powers of Sect. 45. of 11 & 12 Vict. c. 63. also without their District, if necessary, for Purposes of Outfall or Distribution of Sewage, on making Compensation.

4. Local Boards may exercise the Powers given by the Forty-fifth Section of "The Public Health Act, 1848," also without their District, for the Purpose of Outfall or Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of "The Public Health Act, 1848:" Provided always, that nothing herein contained shall give or be construed to give Power to any Local Board to construct or use any Outfall Drain or Sewer for the Purpose of conveying Sewage or filthy Water into any natural Watercourse or Stream until such Sewage or filthy or refuse Water be freed from all excrementitious

mentitious or other foul or noxious Matter, such as would affect or deteriorate the Purity and Quality of the Water in such Stream or Watercourse.

Previous Notices of the intended Works before Commencement.

5. Provided also, That no Sewer or other Work shall be constructed or extended, under the Enactment lastly herein-before contained, unless Three Months at the least before the Commencement of such Work Notice of the intended Work, describing the Nature thereof, and stating the intended Termini thereof, and the Names of the Parishes, Townships, and Places, and the Turnpike Roads and Streets or Places laid out or intended for Streets, and other Lands, if any, through, across, or under which the Work is to be made, and naming a Place where a Plan of the intended Work is open for Inspection at all reasonable Hours, shall be given by Advertisement in One or more of the Newspapers usually circulated in the Place where the Work is to be made, and a written or printed Copy of such Notice shall be served in manner directed by "The Public Health Act (1848)" on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, and on the Overseers of such Parishes, Townships, or Places, and the Trustees, Surveyors of Highways, or others, having the Care of such Roads or Streets.

If Objection be made by any Party interested, the Work not to be proceeded with without Sanction of Secretary of State.

6. In case any of such Owners, Lessees, or Occupiers, or such Overseers, Trustees, Surveyors, or others as aforesaid, or any other Owner, Lessee, or Occupier who would be affected by the proposed Work, object to such Work, and serve Notice in Writing of such Objection on the Local Board at any Time within the said Three Months, the proposed Work shall not be made or commenced without the Sanction of One of Her Majesty's Principal Secretaries of State, after such Inquiry and Report as herein-after mentioned (unless such Objection be withdrawn).

An Inspector to be appointed to makeInquiry on the Spot, and report to the Secretary of State.

7. It shall be lawful for the Secretary of State, upon Application of any Local Board, to appoint an Inspector to make Inquiry on the Spot into the Propriety of any such Work as aforesaid, and into the Objections thereto, and to hold One or more Meeting or Meetings for the Purpose of hearing all Persons desirous of being heard before him on the Subject of such Inquiry, and to report to such Secretary of State upon the Matters with respect to which such Inquiry was directed.

Yearly Sum to be paid for Premises without

8. Where already or hereafter any Premises not being within the Limits of the District of the Local Board have a Drain communicating, directly or indirectly, with a Sewer within the District, and maintained

District drained into Sewer within District.

maintained by the Local Board, and any Sewage from the Premises flows into the Sewer, there shall (except in Cases where the Owner is entitled to use such Sewer without making any Payment) be paid to the Local Board in respect thereof such a yearly Sum as is agreed on between them and the Owner of the Premises, or, failing Agreement between them, as on the Application of the Local Board is determined by Two Justices; and the yearly Sum so agreed on or determined shall be Private Improvement Expenses, and shall be charged on the Premises, and be paid and recoverable accordingly, as if the Premises were within the District: Provided, that the yearly Sum so charged shall cease to be payable if and when the Connexion between the Drain from the Premises and the Sewer is discontinued, so that a proportionate Part thereof up to the Time of the Discontinuance shall alone be payable; but if after the Discontinuance the Connexion be re-established the yearly Sum shall again become payable, and so from Time to Time.

Provision for Repair of Highways in Parts of Parishes or Townships not included in Districts under Local Government Act as herein stated.

9. The Sub-division numbered (4.) in the Thirty-seventh Section of the said Local Government Act, 1858, shall be and the same is hereby repealed; and in lieu thereof be it enacted as follows:

(1.) Where Part of a Township, or Place not comprised within any District in which the said "Local Government Act (1858) is in force, and which Part is herein-after referred to as "the excluded Part," was, before the said Act came into force in such District, liable to contribute to the Highway Rates for such Township or Place, such excluded Part shall for all Purposes connected with the Repairs of Highways and the Payment of Highway Rates, be considered to be and be treated as if forming Part of such District:

(2.) It shall be lawful for a Meeting of Ratepayers of the excluded Part (to be convened and conducted in the Manner prescribed by the Thirteenth Section of the said Local Government Act (1858), with respect to Districts, not being Corporate Boroughs or Towns, under the Jurisdiction of Improvement Commissioners,) to decide that such excluded Part shall be formed into a separate Highway District, and thereupon the excluded Part shall for all Purposes connected with Highways, Surveyors of Highways, and Highway Rates, be considered and treated as a Township maintaining its own Highways:

(3.) The Requisition for holding such Meeting as last mentioned shall, in any excluded Part where the said Local Government Act (1858) has been in force before the passing of this Act, be presented within Six Calendar Months after the passing

passing of this Act, and in all other Cases within Six Calendar Months after the Adoption of the said Local Government Act (1858); but nothing in this Section before contained shall apply to Districts constituted under the Public Health Act (1848), including a Part only of any Parish, Township, or Place which before the Constitution of such District maintained its own Highways.

Enabling Local Boards to act instead of Inhabitants in Vestry of Townships in their Districts in all Matters arising under the Provisions of 5 & 6 W. 4. c. 50.

10. All the Powers, Authorities, and Discretion which in and by the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Fifty, are vested in and given to the Inhabitants in Vestry assembled of any Parish, Township, or Place, shall, within the Districts where the Local Government Act is in force, be vested in and exerciseable by the Local Boards, or Commissioners exercising the Powers of such Local Boards, under the Provisions of this Act and of "The Public Health Act (1848)," and of "The Local Government Act (1858)"; and all Acts or Consents already done or given or purporting to be so done or given by such Local Boards, under and by virtue of the said Act of the Fifth and Sixth Years of *William* the Fourth, Chapter Fifty, acting or assuming to act in lieu of the Inhabitants in Vestry assembled of any Parish, Township, or Place within the District of the Local Board, shall operate and be as valid and effectual as if the same had been done and given or executed by such Inhabitants in Vestry.

Service of Notices and Repayment of Costs under Sects. 69, 70, 71, 73, and 74 of 10 & 11 Vict. c. 34.

11. In Districts where the "Local Government Act, 1858," is in force, Notices for Alterations under the Sixty-ninth, Seventieth, and Seventy-first Sections, Directions under the Seventy-third Section, and Orders under the Seventy-fourth Section of the "Towns Improvement Clauses Act, 1847," may, at the Option of the Local Board, be served upon Owners instead of Occupiers, or upon Owners as well as Occupiers, and the Cost of Works done under any of these Sections may, when Notices have been so served upon Owners, be recovered from Owners instead of Occupiers, and when such Cost is recovered from Occupiers they shall be entitled to make the same Deduction from the Rents payable for the Premises where the Work is done in respect of such Cost as they are entitled to make in respect of Private Improvement Rates by the "Public Health Act, 1848."

Special District Rates leviable over same Area as General District Rates may be

12. Where in any District, Special District Rates are levied over the same Area as General District Rates, the Local Board may make and levy such Special District Rates as Part, and under the Name, of General District Rates: Provided always, that the levying of

levied as Part, and under the Name, of such Rates.

of such Rates by the Means aforesaid shall in no way prejudicially affect any Mortgages now or hereafter to be made upon such Special District Rates.

Debts due on Special District Rates may, with the Sanction of the Secretary of State, and of Mortgagees, and of Owners and Ratepayers, be repaid, and Money raised for such Repayment on Credit of General District Rate.

13. Where any Local Board of Health have incurred Expenses in or about any Works of a permanent Nature, and have made and levied a Special District Rate upon or in respect of the Premises situate in Part of their District, and have borrowed and taken up at Interest on the Credit of the said Special District Rate any Sums of Money necessary for defraying such Expenses, it shall be lawful for such Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, and with the Consent of all Persons having advanced Money on the Security of the said Special District Rate, and with the Consent of the Owners and Ratepayers of the District, to be expressed by Resolution in the Manner herein provided with respect to Resolutions for the Adoption of the said Local Government Act, to pay off and discharge the Sums so borrowed and taken up at Interest on the Credit of the said Special District Rate, or such Part thereof as shall then remain due, and to re-borrow and take up at Interest on the Credit of the General District Rates of the said Local Board any Sums of Money which shall have been so paid off and discharged, and for the Purpose of securing the Repayment of any Sums so borrowed, together with Interest thereon, the Local Board may mortgage the said General District Rates to the Persons by or on behalf of whom such Sums are advanced, subject to the Regulations prescribed by the Fifty-seventh Section of the Local Government Act, 1858.

The Sanction of the Secretary of State substituted for the Sanction of the General Board of Health, which has ceased to exist.

14. In all Cases in which prior to the passing of "The Local Government Act" all or any of the Powers or Provisions of "The Public Health Act, 1848," relative to the borrowing of Money or the mortgaging of Rates, are repeated in any Local Act of Parliament, or in which it is declared in and by such Local Act that the same shall be read and construed as if all or any of such Powers and Provisions had been repeated therein, so as to confer thereunder upon any such Local Board of Health or Board of Improvement Commissioners Powers corresponding with all or any of the borrowing or mortgaging Powers contained in "The Public Health Act, 1848," and where the Sanction, Consent, Direction, or Approval of the General Board of Health is rendered requisite in or by any such Local Act to the due Exercise of any of the Powers vested thereby in any Local Board of Health or Board of Improvement Commissioners, such Powers or any of them shall and may be henceforth exercised with and under the Sanction, Consent, Direction, and Approval of One of Her Majesty's Principal Secretaries of State, in lieu of the Sanction, Consent, Direction,

tion, and Approval of the General Board of Health aforesaid, and not otherwise.

Making up Accounts for Audit.

15. Seven clear Days at least before the Day fixed for the Audit of Accounts of any Local Board, the Local Board shall cause their Rate Books and other Accounts to be made up and balanced, and the Books and Accounts so made up and balanced shall forthwith be deposited at the Office of the said Local Board for the Inspection of Owners and Ratepayers, and the Notice of Audit shall include a Notice of such Deposit of Accounts; and any Officer of a Local Board duly appointed in that Behalf neglecting to make up such Books and Accounts, or altering such Books and Accounts, or allowing them to be altered when so made up, or refusing to allow Inspection thereof, shall be liable on Conviction thereof to forfeit Forty Shillings; and it shall be lawful for any Ratepayer or Owner of Property in the District to be present at the Audit of the Accounts of the Local Board, and to make any Objection to such Accounts before the Auditor; and such Ratepayers and Owners shall have the same Right of Appeal against Allowances by an Auditor, as they have by Law against Disallowances.

Before giving Notice for paving, &c. of Streets not being Highways, Plans and Sections to be deposited with Local Board.

16. Before giving the Notice mentioned in the Sixty-ninth Section of "The Public Health Act, 1848," the Local Board shall cause Plans and Sections of the Works intended to be executed under that Section and the Thirty-eighth Section of "The Local Government "Act, 1858," to be made, under the Direction of their Surveyor, on a Scale of not less than One Inch for Eighty-eight Feet for a horizontal Plan, and on a Scale of not less than One Inch for Ten Feet for a vertical Section, and, in the Case of a Sewer, showing the Depth of such Sewer below the Surface of the Ground; and such Plans and Sections shall be deposited in the Office of the Local Board, and shall be open at all reasonable Hours for the Inspection of all Persons interested therein during the Period for which such Notice is required to be given, and a Reference to such Plans and Sections in such Notice shall be held sufficient without requiring any Copy of such Plans and Sections to be annexed to such Notice.

Form of Notice.

17. The Form of Notice in the Schedule (A.) to this Act annexed, or to the like Effect, may be used for any of the Purposes of the Sixty-ninth Section of "The Public Health Act, 1848," and of the Thirty-eighth Section of "The Local Government Act, 1858," and of this Act, for which such Form is applicable, and such Form shall accordingly, to all Intents, be deemed sufficient for such Purposes.

18. In

Interpretation of "Special Act" in construing 8 & 9 Vict. c. 18. as to Provisional Orders.

18. In the Construction of "The Lands Clauses Consolidation Act, 1845," for the Purposes of any Provisional Order under "The Local Government Act, 1858," conferring Powers for the taking of Land otherwise than by Agreement, the Term "Special Act" shall mean the Act confirming such Order, and "the Date of the passing of the Special Act" shall mean the Date of the passing of the Act confirming such Order.

Extension of Powers given by Sect. 78. of 21 & 22 Vict. c. 104. to Cases in which Local Boards incur Expenses for permanent Works, &c.

19. The Powers granted by the Seventy-eighth Section of "The Local Government Act, 1858," may be exercised in any Case where any Local Board or Board of Improvement Commissioners exercising the borrowing Powers of "The Public Health Act, 1848," or "The Local Government Act, 1858," or of any Local Act, has contributed to, purchased, or executed any permanent Works, or proposes to contribute to, purchase, or execute such Works, at a Cost exceeding or estimated to exceed One Year's assessable Value of the Premises assessable within the District in respect of which the Money for such Works may be borrowed.

Local Boards may make Agreements for Terms of Water Supply in certain Cases.

20. In Districts where no Water Companies are established by Act of Parliament all Local Boards may make Agreements for the Supply of Water to Persons on such Terms as may be agreed upon between the Local Board and the Persons receiving such Supply, and shall have the same Powers for recovering Water Rents accruing under such Agreements as they have for the Recovery of Water Rates by the Law in force for the Time being.

Local Boards of Health may repair Fences surrounding Burial Grounds.

21. All Local Boards of Health constituted Burial Boards may from Time to Time repair and uphold the Fences surrounding any Burial Ground which shall have been discontinued as such within their Jurisdiction, or take down such Fences and substitute others in lieu thereof, and shall from Time to Time take the necessary Steps for preventing the Desecration of such Burial Grounds, and placing them in a proper sanitary Condition; and where such Burial Boards are a Local Board of Health, they may from Time to Time pass Byelaws for the Preservation and Regulation of all Burial Grounds within their Limits, and the Expense of carrying this Section into execution may be defrayed out of any Rates authorized to be levied by any Local Board constituted a Burial Board.

Powers of Local Boards with respect to Land purchased under 21 & 22 Vict. c. 104.

22. Local Boards shall have the same Powers with regard to any Lands purchased by them under or for the Purposes of "The Local Government Act (1858)," or any Act incorporated therewith, which they now have with regard to Lands purchased for the Purpose of making or enlarging Streets under the Powers of the said Act.

23. The

Provision for Recovery of Charges for Private Improvements.

23. The Expenses which have been incurred by any Local Board of Health as and for Private Improvement Expenses under the "Public Health Act, 1848," as also the Expenses stated in the Sixty-second Section of "The Local Government Act, 1858," to be a Charge on the Premises, with Interest after the Rate of Five *per Centum per Annum*, may, by Order of the Local Board of Health, be declared payable by annual Instalments, with Interest after the Rate aforesaid, during a Period not exceeding Thirty Years, until the whole Amount be paid; and any such Instalments and Interest, or any Part thereof, may be recovered from the Owner or Occupier of such Premises in the same Manner as General District Rates, and may be deducted from the Rent of such Premises in the same Proportions as are allowed in the Case of Private Improvement Rates under the Ninety-first Section of "The Public Health Act, 1848."

Demands below 20*l.* may be recovered in County Courts.

24. Proceedings for the Recovery of Demands below Twenty Pounds, which Local Boards are now empowered by Law to recover in a summary Manner, may, at the Option of the Local Board, be taken in the County Court as if such Demands were Debts within the Cognizance of such Courts.

Local Board may make Byelaws for licensing, &c. Horses, Boats, &c. for Hire.

25. The Local Board may make Byelaws for licensing and regulating Horses, Ponies, Mules, or Asses standing for Hire in the District, and for prescribing and regulating the Stands, and fixing the Rates of Hire, and ordering the Conduct of the Drivers or Attendants thereof, and also for licensing, regulating, and fixing the Rates of Hire of Pleasure Boats or Vessels, and the Persons in charge of the same.

Sect. 69. of 5 & 6 W. 4. c. 50. to apply to Encroachments on Highways managed by Local Authority.

26. Where a Board of Improvement Commissioners, or other Local Authority, exercising any of the Powers of "The Local Government Act, 1858," maintains and repairs the Highways within the Area of its Jurisdiction, the Sixty-ninth Section of the Act of the Fifth and Sixth *William* the Fourth, Chapter Fifty, shall be held to apply to all Encroachments on such Highways.

Repayment of Costs by Provisional Orders.

27. The Provision for the Repayment of Costs, Charges, and Expenses incurred by the Secretary of State in relation to any Provisional Order under the Seventy-fifth Section of "The Local Government Act, 1858," shall extend to all Provisional Orders under the said Act.

No House to be brought forward

28. It shall not be lawful at any Time or Times hereafter, within the District of any Local Board, to bring forward any House or

without Consent of Local Board.

Building forming Part of any Street, or any Part thereof, beyond the Front Wall of the House or Building on either Side thereof, nor to build any Addition thereto beyond the Front of such House or Building on either Side of the same as aforesaid, without the previous Consent of such Local Board.

Application of General Acts to Local Boards of Health.

29. And whereas Doubts exist whether Local Boards of Health, constituted under or by virtue of Local Acts, are affected by the Provisions of "The Local Government Act, 1858," or by the Provisions of "The Nuisances Removal Act for *England*, 1855," and "The Diseases Prevention Act, 1855," and it is desirable to remove such Doubts: Be it therefore enacted, That all the Provisions of "The Local Government Act, 1858," as amended by this Act, and of "The Nuisances Removal Act for *England*, 1855," and "The Diseases Prevention Act, 1855," as amended by the "Act to amend the Acts for the Removal of Nuisances and Prevention of Diseases," which Acts are herein-after designated the General Acts, shall extend and apply to all Local Boards of Health constituted under or by virtue of Local Acts, with and subject to the Two following Qualifications; (that is to say,)

(1.) Provisions of the General Acts opposed to or restrictive of the Provisions (whether adopted or original) of any such Local Act shall be of no Force in the District for which the Local Act was passed:

(2.) Wherever the General Acts and a Local Act contain Provisions for effecting the same or a similar Object, but in different Modes, the Local Board of Health may proceed under the General Acts or the Local Act:

And every future Act for amending or repealing any of the General Acts aforesaid shall, subject to the aforesaid Qualifications, also extend and apply to every such Local Board of Health.

Incorporation and Construction of Acts.

30. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be read as if this Act and the said Local Government Act were One Act.

Short Title.

31. In citing this Act it shall be sufficient to use the Words and Figures "Local Government Act (1858) Amendment Act, 1861."

SCHEDULE.

Local Board of Health for . The of in the County of

To the Owner of certain Premises fronting, adjoining, or abutting upon a certain Street called , within the said [Borough *or* District, *as the Case may be*].

Whereas the said Street is not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the above-named Local Board of Health; and whereas your said Premises front, adjoin, or abut on certain Parts of the said Street which require to be sewered, levelled, paved, flagged, and channelled: Now, therefore, the said Local Board of Health hereby give you Notice (in pursuance of the Statute in that Case made and provided) to sewer, level, pave, flag, and channel the same within the Space of [*state the Time*] from the Date hereof, in manner following; (that is to say,) the Sewers to be laid or made [*here describe the Mode to be adopted and Material to be used*], of the Sizes and Forms, and at the Rate or Rates of Inclination shown on the Plans and Sections of the Works as prepared by the Surveyor of the Local Board.

Each Gully for Surface Draining, and its Connection with the Sewer, to be placed as shown on the said Plans, and to be constructed of the Forms, Materials, and Dimensions as shown on the said Plans.

A Foundation for the Carriageway and Footway in the said Street to be formed in the following Manner [*here describe the Mode to be adopted and the Material to be used*], and the said Carriageway and Footway to be paved [*here describe the Mode to be adopted and the Material to be used*].

The Channel Stones to be [*here describe the Mode to be adopted and the Material to be used*]. The Curb or Side Stones to be [*here describe the Mode to be adopted and the Material to be used*].

The whole of the above-mentioned Works to be executed by you in accordance with the Plans and Sections herein-before referred to, and now lying for Inspection by you at the Office of the Local Board, situate in Street, in aforesaid, and the Dimensions, Widths, and Levels shown thereon, and to be done in a good, workmanlike, and substantial Manner, to the Satisfaction of the said Local Board of Health or their Surveyor.

Dated this Day of One thousand eight hundred and .

Clerk to the said Local Board of Health.

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