CHAPTER clv.

An Act to authorise the urban district council of Lytham to provide a town hall to make further provision in regard to their gas undertaking and to the health local government and improvement of their district and for other purposes. [1st August 1904.]

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WHEREAS the district of Lytham in the county of Lancaster (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the urban district council of Lytham (in this Act called "the Council"):

And whereas the Council are the owners of the gasworks and supply gas throughout the district and it is expedient that further provisions should be made with respect to their gas undertaking:

And whereas it is expedient that the Council should be authorised to provide furnish maintain and use in manner in this Act mentioned a town hall and other public buildings:

And whereas it is expedient that better provision should be made with reference to the seashore and recreation grounds within the district and that the powers of the Council in relation to the health local government and improvement of the district should be enlarged and altered as by this Act provided:

And whereas it is expedient that the Council should be empowered to borrow money as in this Act provided:

And whereas the objects aforesaid 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 twenty-fourth day of

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November one thousand nine hundred and three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Lytham Times a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said Lytham Times 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 seventh day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the electors of the district by resolution in the manner provided by the Borough Funds Acts 1872 and 1903 have 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Lytham Improvement Act 1904.

Incorporation of general Acts.

2. The Lands Clauses Acts (except the provisions thereof with respect to the taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845) are so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act hereby incorporated with this Act.

Interpretation.

3. In the Acts wholly or partially incorporated with this Act for the purposes of this Act the expression "the promoters of the undertaking" means the Council And in this Act unless the subject or context otherwise requires—

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

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"The district" means the urban district of Lytham;

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

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

"The seashore" means the seashore between the sea wall bounding the beach as herein-after defined and low-water mark of ordinary spring tides within the district;

"The beach" means the space of land between the public highway known as East Beach Central Beach and West Beach and the sea wall;

"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith;

"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 some 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 purpose 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 include (1) any flag-staff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement (2) any sign or any board frame or other contrivance securely fixed to or on the top of any wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof

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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 (3) any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and so placed that it will not fall into any street or public place;

"Daily penalty" means a penalty for every day on which any offence is continued after conviction;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being an annuity rentcharge or security transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include any securities of the Council;

"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 farmhouse cowshed milk store milkshop 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 in enactments incorporated with this Act and in the Public Health Acts have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

Limits of Act.

4. Save as in this Act otherwise provided the limits for the exercise of the several powers by this Act conferred shall be the district.

Part II.

Gas.

Construction and placing of pipes between mains and meters.

5. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Council's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises;

(2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time;

(3) The specification shall be published twice in some newspaper circulating in the district and a copy thereof shall be kept exhibited in the office of the Council;

(4) When any such pipe as aforesaid has been laid notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification the Council may refuse to supply gas to the premises until the provisions of this section have been complied with;

(5) Any person to whom the Council refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

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No penalty in case of unavoidable cause.

6. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Council or was of so slight or unimportant a character as not materially to affect the value of the supply.

Power to supply gas fittings for heating and other purposes.

7.—(1) The Council may sell let for hire or otherwise deal in fix repair and remove (but shall not manufacture) engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Council and the persons to or for whom the fittings are sold let fixed up repaired or removed.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Consumers to give notice to Council before removing.

8. At least twenty-four hours notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed on or contained in every demand note for gas rent payable to the Council.

Power to refuse to supply persons in debt for other property.

9. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas and meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Notice to discontinue supply of gas.

10. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Period of error in defective meters.

11. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Council.

Power to lay pipes in streets not dedicated to public use.

12. The Council may on the application of the owner or occupier of any premises within the district abutting on or being erected in any street laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as the same are applicable shall extend and apply to and for the purposes of this section In this section the word "street" has the same meaning as it has in the Gasworks Clauses Act 1847.

Anti-fluctuators and silencers for gas engines.

13. Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an anti-fluctuator and a silencer and shall at all times at his own expense keep such anti-fluctuator and silencer in proper order and in default of his so using or keeping in proper repair such anti-fluctuator and silencer the Council may cease to supply gas to such consumer The Council shall have access to and be at liberty to take off remove test inspect and replace any such

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anti-fluctuator and silencer at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator and silencer be found in proper order but otherwise at the expense of such consumer.

Dwelling-houses for men employed on gas undertaking.

14. The Council may upon any lands for the time being acquired by or leased to them for the purposes of their gas undertaking erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Council in connexion with such undertaking.

For protection of Lancashire and Yorkshire and London and North-Western Railway Companies.

15.—(1) Whenever the Council shall require to lay down take up alter relay or renew any pipes or apparatus upon across or under any railway for the time being belonging to or worked by the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company as owners of the Preston and Wyre Joint Railway (in this section called "the companies") or the stations bridges approaches or other works thereof or to construct any works adjoining or in close proximity to any such railway or upon any lands or property for the time being belonging to or used or occupied by the companies they shall give the engineer of the Lancashire and Yorkshire Railway Company fourteen days notice in writing of their intention to carry out any such works accompanied by sufficient plans.

(2) Such works including the making good and repairing any roads over any such railway and over any bridges and approaches which the companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council shall be laid constructed and executed by and at the expense of the Council under the superintendence and to the reasonable satisfaction of the principal engineer of the companies and according to plans to be previously reasonably approved by him and so as not to cause any injury to any such railway or any of the works thereof or to such lands or property or interruption to the passage or conduct of the traffic over or at any such railway or station.

(3) When the Council open or break up any road or pavement or roadway of any street or bridge or other works land or property belonging to or repairable by the companies they shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good such

road street works or land so opened or broken up and shall keep the same in good repair for three months after replacing and making good the same and for such further time if any as the soil so broken up shall continue to subside.

(4) If the Council make delay in completing such work or reinstating and making good such street road or land so opened or broken up or neglect to keep the same in repair as aforesaid the companies may cause the work so delayed or omitted to be executed and the expense of executing the same shall be repaid to them by the Council.

(5) The Council shall repay to the companies the expense of any temporary works or watching which the companies may consider reasonably necessary to provide for the protection of any such railway or the traffic thereon during the carrying out of the works over under upon or adjoining the railway or property of the companies.

(6) If any injury shall owing to or by reason of any of the matters aforesaid arise to any such railway works lands or property or interruption to such traffic the Council shall make full satisfaction in respect thereof to the companies and in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in manner herein-after provided.

(7) Any difference which may arise between the Council and the companies under the provisions of this section shall be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

Part III.

Public Buildings.

Power to provide town hall and other buildings.

16. The Council may with the consent of the Local Government Board acquire or construct hold furnish equip maintain insure and carry on a town hall public hall assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms ante-rooms refreshment rooms kitchens cloak rooms lavatories promenades gardens outbuildings conveniences and appurtenances and may for the purposes thereof by agreement acquire lands and acquire alter adapt or otherwise deal with buildings....

Letting of public buildings.

17. The Council may grant or let with or without charge the use of the whole or any part of any public buildings acquired

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or constructed by them under the powers of this Act for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Council on such terms and conditions as they think fit.

Application of moneys under this part of this Act.

18. Any moneys received by the Council in connexion with the execution of the purposes of this part of this Act shall be carried to the credit of the district fund.

Part IV.

Seashore and Beach.

Council may make byelaws as to user of seashore.

19. The Council may from time to time for the prevention of danger obstruction nuisance or annoyance to persons using the seashore or beach make and enforce byelaws for all or any of the following purposes (that is to say) :—

For regulating the erection or placing on the seashore and seawalls or the roads and footways thereon or any part or parts thereof (all of which places are in this section included in the words " the seashore ") of any booths tents sheds stands and stalls (whether fixed or movable) or vehicles for the sale or exposure for sale of any article or thing or any shows or exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals or persons or otherwise and the playing of any games on the seashore and generally for regulating the user for such purposes as shall be prescribed by such byelaws of the seashore or any part thereof ;

For regulating the selling and hawking of any article commodity or thing on the seashore or beach ;

For regulating the user of the seashore or any part thereof for riding and driving ;

For the preservation of order and good conduct among persons frequenting the seashore and beach ;

For preventing nuisances and obstructions on the seashore and beach.

Sand &c. not to be removed from seashore.

20. Any person who at any time digs carries away or removes any sand gravel shingle rock soil or other material from the seashore within a distance of sixty feet from the foot of the seawall shall for every such offence be liable to a penalty not exceeding twenty pounds.

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Byelaws as to bathing.

21. The Council may make byelaws—

(1) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine or tent and for prohibiting the use of any other place on the seashore for bathing without using a bathing machine or tent ;

(2) For the preservation of decency and order at public bathing places on the seashore and for appointing and limiting the places on the seashore from which persons of the male and female sex may bathe together and from which they may bathe separately ;

(3) For regulating the hours during which bathing may take place from public bathing places on the seashore and for prohibiting the use of such places except during the hours so fixed ; and

(4) For prescribing the use of decent and sufficient bathing garments.

Regulation of tents and huts for bathing or shelter.

22. Section 171 of the Public Health Act 1875 and section 69 of the Town Police Clauses Act 1847 incorporated thereby shall so far as applicable extend and apply to tents and huts for bathing or shelter within the district.

For protection of bathers.

23. The Council may require the owner or lessee of any bathing machine to provide or employ boats boatmen and attendants and to provide life-saving apparatus for the purpose of ensuring the safety of bathers and may prescribe the qualification of such boatmen and attendants and the Council may employ and pay boatmen for the purpose of protecting persons whilst bathing.

Power to license pleasure boats.

24.—(1) The Council may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the boatmen or persons assisting in the charge or navigation of such boats and vessels and may charge for every such licence for a boat a fee not exceeding the sum of five shillings and for a boatman a fee not exceeding the sum of one shilling.

(2) Any such licence may be granted for such period as the Council may think fit and may be suspended or revoked or

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endorsed by the Council whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of the power to suspend revoke or endorse the licence shall be plainly set forth in the licence itself.

(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed.

(4) No person shall act as boatman or assist in the charge or navigation of any pleasure boat or pleasure vessel when let for hire or when carrying passengers for hire who is not licensed by the Council as aforesaid.

(5) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for any boatman or person assisting in the charge or navigation of such boat or vessel.

(6) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel and every owner of any such boat or vessel shall before permitting the same to be used for carrying passengers for hire paint or cause to be painted on a conspicuous part of the said boat or vessel the number of persons which it is licensed to carry.

(7) Every person who shall act in contravention of the provisions of this section shall for each offence be liable on summary conviction to a penalty not exceeding two pounds.

(8) Any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to the petty sessional court held for the district after the expiration of two clear days after such grant withholding suspension revocation or endorsement Provided that the person so aggrieved shall give twenty-four hours written notice of such appeal and the ground thereof to the clerk and the court shall have power to make such order as they see fit and to award costs to the successful party such costs to be recoverable summarily as a civil debt.

Seats and chairs may be provided.

25. The Council may place or authorise any person or persons to place seats or chairs in any street or recreation ground (other than Lowther Gardens) 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 reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Power to construct band stand and to contribute towards band.

26. The Council may with the consent of the lord of the manor of Lytham erect and maintain a band stand upon any portion of the beach and the Council may pay or contribute towards the payment of a public band of music for the district provided that the amount of such payments or contributions does not in any year exceed a sum equal to a rate of one penny in the pound on the assessable value of the district for the purposes of the general district rate The Council may in any recreation ground (other than Lowther Gardens) or on the beach or the seashore or other public place enclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payment to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band Provided always that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of three-fourths of the whole number of the Council at a meeting of the Council after seven clear days notice of such meeting and of the intention to propose such resolution.

Power to appoint officers.

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

Expenses and application of moneys under this part of this Act.

28. All expenses incurred by the Council in the exercise of the powers of this part of this Act shall be paid out of the district fund and any moneys received by the Council in connexion with the execution of the purposes of this part of this Act shall subject to payment of the expenses incidental to the execution of the said purposes be carried to the credit of the district fund.

Part V.

Streets and Buildings.

Approval of plan to be void after certain interval.

29.—(1) The approval by the Council of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the

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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 two years from the date of such approval; and

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

And at the expiration of those respective periods fresh notices 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 lay out any street or to erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or 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 deposited with Council.

30. The Council may retain any drawings plans elevations 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 thereunder.

Power to vary position or direction of new streets.

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

No buildings allowed until street defined.

32. No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Council may declare where streets begin and end.

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

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Crossings for horses or vehicles over footways.

34. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved 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 crossing showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of the necessary works and shall execute the works at his 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 footpath unless and until such crossing as aforesaid has been made or on or along any part of any such footpath other than the part over which such crossing has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby occasioned.

Provided that nothing in this section shall be deemed to apply to the temporary crossing of a footpath during building operations if means satisfactory to the Council be taken to protect such footpath from injury and for the convenience of foot passengers.

Continuation of existing streets to be deemed new streets.

35. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

Urgent repairs to private streets.

36.—(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs danger exists to passengers or vehicles in such street the Council may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs.

(2) If within such reasonable time as the Council may in such notice have specified such repairs are not executed the Council may execute the same and may recover the cost of so doing from the owner or owners in default or if there be more

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than one owner in proportion to the frontage summarily as a civil debt.

(3) If the Council are unable to discover the name or abode of any owner the Council may execute such repairs without having served upon him any notice.

Agreements with owners.

37. The Council and the owner for the time being of any lands liable to private improvement expenses may at any time or times agree as to the apportionment of such expenses or any part or parts thereof or any division or subdivision thereof among the premises affected by such expenses.

What to be deemed new buildings.

38. From and after the passing of this Act—

The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

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

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

The roofing or covering over of any open space between walls and 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.

Erection of buildings to greater height than adjoining buildings.

39. In case any building is after the passing of this Act erected or raised to a greater height than that of any adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised Any person who shall offend

against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Intersecting streets.

40. No new street intended to have a continuous line of buildings shall be laid out for more than two hundred yards in length without an intersecting street.

Trees or shrubs overhanging streets.

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

Forecourts to be fenced off from streets.

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

Deposit of building materials or excavations not to be made in street without consent.

43. It shall not be lawful for any person without the consent of the Council in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such material rubbish or thing or fill up such excavation (as the case may be) when required by the Council and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily as a civil debt.

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Preventing formation of culs-de-sacs.

44. The Council may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

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

45. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or erects any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of one month after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Further bye-laws as to buildings.

46. The Council may make byelaws with respect to the following matters :—

(1) The materials with which new buildings shall be constructed ;

(2) For providing in new buildings containing separate sets of chambers or offices or rooms constructed or adapted to be tenanted by different families or occupiers that the floors and staircases shall be of fire-resisting materials.

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Means of escape from buildings in case of fire.

47. Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hydropathic establishment boarding-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Temporary and movable buildings.

48.—(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 one month after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

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

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of one month 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

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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 not exceeding 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 summarily as a civil debt 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 in respect to new buildings and any tent 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 summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion; and

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

Power to sell materials of temporary buildings.

49. Where a temporary or other building referred to in the last preceding section is taken down or removed by the Council under the powers of this part of this Act the Council may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building and any penalty and costs adjudged to be paid by the owner of such building or the land whereon the same stood and shall pay the balance thereof to the owner of such building.

Separate sewers.

50. Where under the provisions of the Public Health Acts the Council have the power to require any street to be sewered

by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively And where they may consider it advisable the Council if such separate sewers have been provided may from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply.

Council may require enlarged sewer.

51. If in any new street the Council for the purpose of main drainage or otherwise shall require a larger sewer or drain to be made than they consider necessary for the ordinary sewerage or drainage of such new street the person laying out such new street shall construct such enlarged sewer or drain in accordance with the requirement of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Exemption of buildings of railway companies.

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

Part VI.

Sanitary Provisions.

Power to require watercloset

53. The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are

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to new buildings.

reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such new building shall be provided with proper and sufficient waterclosets Any person offending against any requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Conversion of existing closet accommodation into watercloset.

54.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer of health to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health then the Council shall bear and pay such part of the expenses incurred by them (being not less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The notice under the provisions of this section shall state the effect of this section.

Appeal under two last preceding sections.

55.—(1) Where any person deems himself aggrieved by any requirement of the Council under the two last preceding sections or disputes the reasonableness of the expenses charged to him by the Council under such sections such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a

court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties:

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(2) Pending the decision of the court upon such appeal the Council shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Work done on two or more properties.

56. Where under the provisions of this part of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this part of this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Owners to permit application of test to drains.

57. Whenever the medical officer of health surveyor or inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke or coloured water or other similar test as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such tests to be made or to give all reasonable facilities for making such tests shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective the owner of the premises shall be bound subject to the terms of any lease or other contract on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the work

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and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts Provided that nothing in this section shall authorise the use of a test by means of water under pressure.

Council may require old drains to be laid open for examination by surveyor before communicating with sewers.

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

Reconstruction of drains.

59. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Improper construction or repair of watercloset or drain.

60. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

Wilful damage to drains and watercloset.

61. Any person who shall cause any drain watercloset earth-closet privy ashpit or dustbin to be a nuisance or injurious

or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work 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.

62.—(1) On complaint made on oath by the surveyor the medical officer of health or the inspector of nuisances that he or they have reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to the surveyor medical officer of health or inspector of nuisances to jointly or severally inspect any drain closet or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for the purpose of ascertaining the course of any such work the surveyor medical officer of health or inspector of nuisances at all reasonable times in the day time 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 thinks fit doing as little damage as may be.

(2) If any person obstruct or attempt to obstruct or incite 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 or apparatus be found on inspection 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

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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 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 and disused 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 or to fill up and disuse the same.

(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 expression "drain" includes any sewer which is not vested in the Council.

Enlarging definition of nuisances.

63. For the purposes of the Public Health Act 1875—

(A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health;

(B) Any gutter drain shoot stack pipe or down spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building;

(C) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health;

shall be deemed to be a nuisance within the meaning of the said Act of 1875.

Provision as to filling up cesspools.

64. If it shall appear to the Council by the report of the medical officer of health surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta dung or other obnoxious matter or any

ashpit or any well disused well or underground cistern is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Council may if they think fit by notice in writing require the owner or occupier of the premises whereon such receptacle ashpit well disused well or cistern as aforesaid shall be found within a reasonable time to be specified in the notice to cause the same to be filled up or removed and any drain communicating with such receptacle to be effectually disconnected destroyed and taken away or to cause such receptacle ashpit well disused well or cistern to be so altered as to remove any such objection as aforesaid.

Where it appears that any such cesspool receptacle ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ashpit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Council may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

Penalty for throwing rubbish into Liggard Brook.

65. Every person who throws casts or deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into the Liggard Brook within the district so as to interfere with the due flow of such watercourse shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Council may resolve that Liggard Brook be cleansed by owners or occupiers.

66.—(1) If the Liggard Brook shall not be cleansed repaired or otherwise maintained in a due state of efficiency to prevent any obstruction to the proper flow of the water through or along the same or the overflow of water therefrom to the satisfaction of the Council the Council may resolve that such brook shall be cleansed repaired or otherwise placed in such due state of efficiency within a time to be specified in such resolution and the Council shall cause a copy of such resolution to

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be served on every owner and occupier interested therein at their last known addresses within the United Kingdom so far as the same can be ascertained.

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

Cleansing of cisterns.

67. 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.

Provisions as to houses without proper water supply.

68. 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 a daily penalty not exceeding forty shillings.

Regulation pails and *tubs for* ash-pits.

69. The Council may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron dustbins in lieu of ashpits and such dustbins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given him to comply with the requirements of the Council shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any dustbins or ashpits in use at the commencement of this Act so long as the same are of suitable size and construction and in proper order and condition.

Council may require removal or alteration of urinals.

70. 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.

Part VII.

Tuberculosis.

Penalty for selling milk of diseased cows.

71.—(1) Every person who knowingly sells or suffers to be sold or used for human consumption within the district the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows.

(2) Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the district who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Obligation to notify cases of tuberculosis.

(3) Every dairyman who supplies milk within the district and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer of health stating his name and address and the situation of the dairy or premises where the cow is.

Any dairyman failing to give such notice as required by this subsection shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

(4) (A) It shall be lawful for the medical officer of health or any person provided with and if required exhibiting the authority in writing of such medical officer of health to take within the district for examination samples of milk produced or sold or intended for sale within the district.

(B) The like powers in all respects may be exercised outside the district by the medical officer of health or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

Power to inspect cows and to take samples of milk.

(5) (A) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district the medical officer of health or any person provided with and if required exhibiting the authority in writing of the medical officer of health may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer of health or such

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person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

(b) If the medical officer of health is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council may thereupon serve on the dairyman notice to appear before them within such time (not less than twenty-four hours after service of such notice) as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the district until the order has been withdrawn by the Council.

(c) If the medical officer of health has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the district is likely to cause tuberculosis in persons residing within the district the powers conferred by this subsection may in all respects be exercised in the case of such dairy provided that the medical officer of health or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(d) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer of health or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer of health person or veterinary surgeon for all or any of the purposes of this subsection and any person refusing such assistance or obstructing such medical officer of health person or veterinary surgeon in carrying out the purposes of this subsection shall be liable to a penalty not exceeding five pounds.

(e) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Council may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board

and if the dairy is situate outside the district on the council of the borough or county district in which it is situate.

(f) The said order shall be forthwith withdrawn on the Council or their medical officer of health being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the district.

(g) If any person after any such order has been made supplies any milk within the district in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(h) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this subsection.

(i) The dairyman may appeal against an order of the Council under this subsection or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situate outside the district to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the clerk not less than forty-eight hours before the hearing Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal.

The court or the Board of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Council.

Compensation to dairyman.

(6) If an order is made without due cause or if the Council unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Council full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the

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Council to withdraw the order The court or Board of Agriculture and Fisheries may determine and state whether the order the subject of appeal has been made without due cause and whether the Council have unreasonably refused to withdraw the order and whether the dairyman has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

Procedure.

(7) Offences under this section may be prosecuted and penalties may be recovered by the Council before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise.

As to expenses.

(8) All expenses incurred by the Council in carrying into execution the provisions of this section shall be chargeable upon the district fund and general district rate and the Council may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Execution of this section by committee.

(9) This section may be carried into execution by a committee of the Council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Council.

Public notice of this part of this Act.

(10) The Council shall cause to be given public notice of the effect of the provisions of this section by advertisement in accordance with the section of this Act the marginal note of which is "Public notice to be given of provisions of this part of Act" and this section shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Council may fix.

Part VIII.

Infectious Disease.

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

72. 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 him 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 and a list of the persons to whom he has within such six weeks supplied milk within the district and the Council shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein and every such person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dairymen to notify infectious disease existing among their servants.

73. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the medical officer of health all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any such dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

74. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the district or pick fruit intended for consumption within the district or engage in any trade or business connected with food intended for consumption within the district or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding twenty shillings.

Compensation to dairymen.

75. 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 or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such

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compensation may be paid out of the district fund or general district rate.

Compensation to persons ceasing employment.

76. 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 within the district the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Protection against infection of books in lending libraries.

77. No person shall take out of any public or lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any such 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 or owner or destroyed and if destroyed the Council shall pay to the owner thereof its value Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Filthy and dangerous articles to be purified.

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

(2) If any owner suffer any unnecessary damage the Council shall compensate him for the same and the Council shall also reasonably compensate the owner for any articles destroyed.

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

79. Whenever it shall be certified to the Council by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such person to furnish to them a full and complete list of the names and addresses of the customers for whom such person washed or mangled during the past six weeks and such person shall furnish such list accordingly and

the Council shall pay to him or her for every such list after the rate of sixpence for every twenty-five names contained therein and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Council may pay expenses of persons in hospital.

80. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Council may themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.

Certificate required before removal by railway of body of person dying of infectious disease.

81. When any person suffering from infectious disease whereof notice shall have been given to the medical officer of health shall die in the district of such disease the medical officer of health shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purposes) unless and until the medical officer of health has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Power to medical officer to examine school children.

82. The medical officer of health may enter any public elementary school within the district at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection.

The medical officer of health shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

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Any person who shall obstruct the medical officer of health in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

Principal of school to furnish list of pupils in certain cases.

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

Child suffering from infectious disease not to attend school.

84. No person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer of health that the child is not to be sent to school permit such child to attend school without having procured from the medical officer of health a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Provisions as to disinfection and isolation.

85.—(1) Where it appears to the Council upon the certificate of the medical officer of health that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check any infectious disease the Council may serve notice on the occupier or where the house or part thereof is unoccupied on the owner of such house or part thereof that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the Council unless the person so notified informs the Council within a time to be specified in the notice

from the receipt of the said notice that he will cleanse or disinfect the house or part thereof with any such articles or destroy such articles to the satisfaction of the medical officer of health as testified by certificate by him within a time fixed in the notice.

(2) If either—

(A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Council as aforesaid; or

(B) Having so informed the Council he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice; or

(C) The occupier or owner as the case may be without such notice gives his consent;

the house or part thereof and the articles shall be cleansed and disinfected or such articles destroyed by the officers of and at the cost of the Council.

(3) For the purpose of carrying into effect this section the Council may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

(4) When the Council have disinfected any house or part of a house or any article under the provisions of this section they shall compensate the occupier or owner of such house or part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Council destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any compensation shall be recoverable in a summary manner.

For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(5) If the Council deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Council to remove such residents and imposing such conditions as to time and otherwise

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as to him may seem fit Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian The Council shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

(6) The Council may for the purposes of this section—

Themselves build any place of reception;

Contract for the use of any place of reception.

Any expenses incurred by the Council under this section shall be paid out of the district fund and general district rate Provided that for the purpose of building any such place of reception the Council may borrow money under and subject to the provisions of this Act.

Public conveniences and lavatories.

86. The powers of the Council under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences and lavatories in or under any recreation ground belonging to them or in or under any street repairable by the inhabitants at large for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any such sanitary conveniences (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think fit.

For regulating manufacture and sale of ice cream.

87. Any person being a manufacturer or vender of or merchant or dealer in ice cream or other similar commodity or any materials used in the manufacture thereof who within the district—

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

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

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

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

Inspection of premises of ice cream dealers.

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

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

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

89. Public notice of this part of this Act shall be given forthwith 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 such further means (if any) 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 a newspaper or the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Part IX.

Hoardings Advertising Vehicles and Sky Signs.

Provisions as to hoardings and other structures used for advertising purposes.

90.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect any such hoarding or similar structure to be used either wholly or partly for advertising purposes to a greater height than

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twelve feet above the level of such 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 or similar structure as the Council may determine.

(3) The owner or other person using any such hoarding wall or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any papers affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such papers.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any consent given or condition made under this section may be under the hand of the clerk or the surveyor.

(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 such refusal or after the giving of such consent (as the case may be) provided he give not less than twenty-four hours notice in writing 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 summarily as a civil debt.

Restriction on advertising vehicles.

91. It shall not be lawful in any street to use any vehicle or framework on wheels 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 who acts in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Any person aggrieved by the refusal of the Council to grant such consent or by the terms and conditions imposed may appeal to a court of summary jurisdiction held for the district after the expiration of two clear days after the decision of the

Council is notified to him 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 to them may seem fit and to award costs such costs to be recoverable summarily as a civil debt.

Sky-signs.

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

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

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

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

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

(iv) 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 ; or

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

Provided also that if any sky-sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequences as to 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.

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(2) 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.

Part X.

Police and Street Traffic.

Unfenced ground and beach and seashore to be deemed public place or street for certain purposes.

93. Any unfenced ground adjoining or abutting on any street and the beach and the seashore shall for the purposes of the Vagrancy Act 1824 and any Act amending the same be deemed to be a public place and shall be deemed a street for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

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

Every person who suffers to be at large any unmuzzled ferocious dog or sets on 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 firearm 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.

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Street traffic.

94. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty of not more than forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Part XI.

Public Vehicles.

Public vehicles plying to or from railway stations.

95. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Council for the time being in force with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the district conveying passengers to or from any railway station within the district as if such railway station were a public stand for public vehicles Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

Part XII.

Finance.

Power to borrow.

96.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned (that is to say) :—

For the acquisition of land for and for the purposes of the section of this Act of which the marginal note is "Power to provide town hall and other buildings" such sums as the Local Government Board shall sanction;

For paying the taxed costs charges and expenses of this Act as herein-after provided the sum requisite for that purpose;

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

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenues of any undertaking in connexion with which the moneys are borrowed and the district fund and general district rate.

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Mode of raising money.

97. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by 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 with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Act as to mortgages to apply.

98. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say):—

Section 236 Form of mortgage;
Section 237 Register of mortgages;
Section 238 Transfer of mortgages;
Section 239 Receiver may be appointed in certain cases.

Periods for payment off of moneys borrowed.

99. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for paying the taxed costs charges and expenses of this Act within five years from the passing of this Act;

As to moneys borrowed with the approval of the Local Government Board within such period not exceeding sixty years as they may sanction.

Mode of payment off of moneys borrowed.

100. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

Sinking fund.

101.—(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 and 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 hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulation 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 hereinafter 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 statutory securities the Council being at liberty 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.

(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

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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 always 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 the Board may direct.

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

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

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

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

Return respecting sinking fund to Local Government Board.

102.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or

to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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

Power to re-borrow.

103. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Act which have not been

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repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Council not to regard trusts.

104. The Council shall not be bound to see to the execution of any trust whether expressed or 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 or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Protection of lender from inquiry.

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

Saving for existing charges.

106. Nothing in this Act shall prejudicially affect any charge on the revenue funds and rates or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue funds rates estates and property subject to his charge as if this Act had not passed.

Application of borrowed moneys.

107. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application of moneys arising from sale of lands.

108. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Expenses of execution of Act.

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

Part XIII.

Miscellaneous.

Evidence of appointment.

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

Authentication and service of notices &c.

111. 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 267 of that Act authorised to be served

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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.

Informations &c. by whom to be laid.

112. Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or the Public Health Acts or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Power to appropriate lands for purposes of Act.

113. The Council may with the consent of the Local Government Board and subject to such conditions as that Board may prescribe appropriate and use for any of the purposes of this Act any lands for the time being vested in them which are not wanted for the purpose for which such lands were originally acquired but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands.

Power to grant gratuities in certain cases.

114. — (1) The Council may if they think fit grant a gratuity of any sum not exceeding one year's pay to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

General provisions as to byelaws.

115. The provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act Provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto Provided also that the Secretary of State shall be the confirming authority for byelaws made under the section of this Act the marginal

note whereof is "Council may make byelaws as to user of seashore." A.D. 1904.

In executing works for owner Council to be indemnified against damages in absence of negligence.

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

Inquiries by Local Government Board.

117.—(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 directed by that Board under the Public Health Act 1875.

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

Compensation how to be determined.

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

Expenses may be declared private improvement expenses.

119. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

A.D. 1904.

Appeal.

120. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order 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.

Saving for indictments.

121. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that no person shall be punished more than once for the same offence.

Recovery of penalties.

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

Penalties to be paid over to treasurer.

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

Judges not disqualified.

124. 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 any rate.

Crown rights.

125. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

Saving rights of John Talbot Clifton.

126. Whereas John Talbot Clifton of Lytham Hall in the county palatine of Lancaster is or claims to be the owner of the freehold of Lytham including the beach and foreshore hereinbefore referred to and of the manor of Lytham Nothing in this Act contained shall be deemed or taken to prejudice

diminish alter or affect any estate right privilege power or authority vested in or exerciseable by the said John Talbot Clifton his heirs or assigns as such owners for the time being And nothing herein contained shall be deemed or taken to give to the Council any further or other power or right to dig carry away or remove any sand gravel shingle rock soil or other material from the seashore than such Council would have had or been entitled to exercise as highway authority if this Act had not been passed.

Costs of Act.

127. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council primarily out of the general district rate but ultimately out of moneys to be borrowed under the authority of this Act.

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