(2.) All sums payable by a sanitary authority in pursuance of this Act shall be defrayed in like manner as expenses under the principal Act are required to be defrayed, save that in the case of a rural authority they shall, with the exception of the principal and interest of any money borrowed, or the rent of any land hired by the county council be charged as general expenses.

(3.) All sums received by a county council in respect of any land acquired under this Act otherwise than from any sale or exchange, in so far as they are not required for the payment of expenses incurred by them in respect of such land, shall be paid to the sanitary authority, and in the case of a rural sanitary authority shall be credited to the parish on account of which the land was acquired.

CHAPTER 66.

An Act to amend the Metropolis Management Acts.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title.

1. This Act may be cited for all purposes as the Metropolis Management Amendment Act, 1890.

Interpretation. 18 & 19 Vict. c. 120.

2. In this Act—

"The Metropolis Management Acts" includes the Metropolis Management Act, 1855, and any Acts amending the same.

Terms to which meanings are assigned by the Metropolis Management Acts have the same respective meanings.

"The council" means the London County Council.

Power to vestry or district board to repair a road or way not being a street.

3. Any vestry or district board may from time to time execute any necessary works of repair upon any or any part of any carriage road within their parish or district which shall have been used for not less than six months for public traffic and which may not at the time of such repair have become repairable by them, and shall not by undertaking such repair prejudice or affect the powers of such vestry or district board to apportion and recover the expenses of paving such road or way if and when the same shall be paved as a new street under the Metropolis Management Acts.

The expenses of and incident to such repair may in the first instance be paid by the vestry or district board in the same manner as the expenses of repairing other streets repairable by them, and shall as soon as may be thereafter be apportioned upon and recovered from the owners of the houses and land bounding or abutting on such road or part thereof in the same manner as if such expenses were expenses of paving such road or part thereof as a new street under the provisions of the Metropolis Management Acts relative

thereto, and the amount of the expenses so apportioned may be recovered by the vestry or district board in a court of competent jurisdiction.

Provided that no railway company shall be liable under this section to pay the proportion of the expenses of and incident to such works of repair apportioned upon them in respect of lands abutting on any such road and used solely as part of their line of railway and sidings, and having no direct communication with such road, and the amount apportioned upon any such company in respect thereof shall be paid by the vestry or district board. But in the event of such company making a direct communication with such road before the same is taken over by the vestry or district board, a just share of the said expenses shall be payable by such company to the vestry or district board, and the amount of such share shall, in case of difference between the railway company and the vestry or district board, be fixed in a summary way by any metropolitan police magistrate in whose district such road shall be wholly or partly situate, and shall be payable on demand to the vestry or district board.

Penalty for making sewers contrary to plans approved.

4. Any person making any sewer, or branching any sewer or drain into any sewer vested in the council, without the approval in writing of the council first had and obtained, or otherwise than in accordance with a plan and section thereof approved by the council, or causing any such sewer or drain to be so made or branched shall be liable to a penalty not exceeding fifty pounds.

The council may by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to the approval of the council in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith. And the council may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched, or caused to be made or branched, the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed. Provided that if the premises of more than one owner are at the time of the commencement of the work by the council connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

Provided also that in the event of any such costs and expenses being paid to the council by any such owner or owners then such owner or owners shall be entitled to recover in a court of summary

jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

Penalty in case of connexions with local sewers.

5. Any person making any sewer or branching any sewer or drain into any sewer vested in any vestry or district board without the approval in writing of such vestry or district board first had and obtained or otherwise than in accordance with the plan and section thereof, if any, approved by the council under the provisions of the Metropolis Management Acts relative thereto, or causing any such sewer or drain to be so made or branched, shall be liable to a penalty not exceeding fifty pounds. The vestry or district board concerned may, by notice in writing to the owner or owners of the premises connected with the sewer or drain so improperly made or branched, or (if there are no such premises) of the land in which it is placed, require such owner or owners forthwith to remove such sewer or drain or to reconstruct the same at his or their expense to the approval of such vestry or district board and in accordance with the plan and section approved as aforesaid, and in the event of such owner or owners failing to comply with the terms of such requisition, such owner or owners, as the case may be, shall be severally liable to a penalty not exceeding five pounds for every day during which he or they shall fail to comply therewith, and the vestry or district board may execute the works required and recover the costs and expenses thereof in a court of summary jurisdiction from the person who shall have made or branched or caused to be made or branched the sewer or drain, or from the owner or owners of the premises connected therewith, or (if there are no such premises) of the land in which it is placed.

Provided that if the premises of more than one owner are at the time of the commencement of the work by the vestry or district board connected with any such sewer, the costs and expenses thereof shall be apportioned amongst and recoverable from such owners in proportion to the rateable value of the premises respectively connected therewith.

Provided also that in the event of any such costs and expenses being paid to the vestry or district board by any such owner or owners, then such owner or owners shall be entitled to recover in a court of summary jurisdiction the amount so paid by them from the person who made or branched or caused such sewer or drain to be made or branched in manner aforesaid.

Subsoil under a street road passage or way not to be removed without the consent of the vestry or district board or council.

6. Subject to the provisions of this Act, it shall not be lawful after the passing of this Act to form or lay out or to commence to form or lay out any street road passage or way over land from which sand gravel or other subsoil has been excavated or removed, until the site and subsoil of the street road passage or way has been properly levelled and made good to a sufficient depth with stones gravel or other suitable material to form a sound foundation, to the satisfaction of the vestry or district board to be expressed in writing, and it shall not be lawful to excavate remove or take away

any sand gravel or subsoil from any land upon which any street road passage or way has been wholly or in part formed or laid out, or upon which it is intended to form or lay out any street road passage or way, except upon such conditions as to the levelling and making a proper foundation for the same as the vestry of the parish or district board of the district may in writing impose. Provided that this section shall not apply where no more sand gravel or subsoil has been or is intended to be excavated removed or taken away than is necessary to level or form a foundation for the paving metalling or flagging of any street road passage or way. If the vestry or district board shall refuse their approval in writing, or shall impose conditions, any company or person dissatisfied with such refusal or with such conditions may, within seven days from the date of receiving notice of such refusal or of such conditions, appeal to the Council, and such appeal shall stand referred to such committee of the Council as the Council may appoint, and such committee shall have power to confirm or reverse such refusal, or to vary the conditions imposed or impose such conditions as they may think fit, and their determination shall be final, and such committee may order any costs of such appeal to be paid to or by the vestry or district board or person appealing. Any company or person forming or laying out, or commencing to form or lay out, any street road passage or way, or excavating removing or taking away any sand gravel or subsoil contrary to the provisions of this Act or to the conditions imposed by the vestry or district board, or on appeal by the Council, shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding twenty shillings for every day after the first during which the offence is continued, or during which such excavation shall be permitted to remain without the consent in writing of the vestry or district board or on appeal of the Council.

Provided always that nothing in this section contained shall apply to any road passage or way formed or laid out, or to be formed or laid out, and intended to be maintained as a road passage or way not open to public use.

Provided also that nothing in this section contained shall prejudice or affect any existing rights of the owners of property fronting or abutting on any street, road, passage, or way, to excavate subsoil for the purpose of forming or constructing cellars, vaults, subways, or basements in connection with buildings erected on such property.

Surveyor or other officer to see that conditions are observed.

7. The surveyor of the vestry or district board, or other officer of the vestry or district board, or any officer appointed for that purpose by the Council, shall take care that the provisions of the preceding section are complied with, and that any conditions imposed by the vestry or district board or the Council in giving their consent in writing thereunder are observed.

Limited application of Act to city of London.

8. Except so far as relates to any sewers vested in the Council, none of the provisions contained in this Act shall have any force or effect within the city of London.

Penalties and expenses.

9. Penalties and expenses under this Act may be sued for and recovered either by the Council or by the vestry or district board concerned in the same manner as penalties under the Metropolis Management Act 1855 and the Acts amending the same.

Expenses of Act.

10. Any costs charges and expenses incurred by the Council of and incidental to the preparing applying for and passing of this Act shall be paid by the Council.

CHAPTER 67.

An Act to make provision respecting the Pensions, Allowances, and Gratuities of Police Constables in Scotland, and their Widows and Children, and to make other provisions respecting the Police of Scotland.

[18th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Superannuation of Constables.

Right of constables to pensions.

1. Subject to the provisions of this Act, every constable in a police force—

(*a*) if he has completed not less than twenty-five years approved service, and is not less than fifty-five years, or, if a constable above the rank of sergeant, sixty years of age, shall, on the expiration of such time not exceeding four months after he has given written notice to the police authority of his desire to retire as the police authority may fix, be entitled without a medical certificate to retire and receive a pension for life; and

(*b*) if after he has completed twenty years approved service he is, in the opinion of the police authority, incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive a pension for life; and

(*c*) if before he has completed twenty years approved service he is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire, and thereupon the police authority may, if they think fit, grant him a gratuity; and

(*d*) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a pension for life.