CHAPTER xlii.

An Act to make further and better provision with regard to the improvement health local government and finance of the urban district of Otley and for other purposes. [30th June 1905.]

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WHEREAS the district of Otley in the West Riding of the county of York is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Otley Urban District Council (in this Act called "the Council"):

And whereas it is expedient that better provision should be made with reference to streets buildings sewers and drains 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 as by this Act provided:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-second day of November one thousand nine hundred and four after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Wharfedale and Airedale Observer 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 Wharfedale and Airedale Observer and has received the approval of the Local Government Board:

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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 twenty-sixth day of January one thousand nine hundred and five being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

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

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 Otley Improvement Act 1905.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Streets Buildings and Sewers.
Part III.—Sky-Signs and Hoardings.
Part IV.—Sanitary Provisions.
Part V.—Infectious Disease.
Part VI.—Milk Provisions.
Part VII.—Fire Brigade.
Part VIII.—Financial.
Part IX.—Miscellaneous.

Interpretation.

3. In this Act unless the subject or context otherwise require—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;

"The district" means the urban district of Otley;

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

"The clerk" "the surveyor" "the medical officer" and "the inspector of nuisances" respectively mean the clerk the surveyor the medical officer of health and inspector of nuisances appointed by the Council in pursuance of the powers of any public Act and "medical officer" includes any person duly authorised to act temporarily as medical officer of health;

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

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

"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 other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include—

(1) Any flagstaff 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 the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that

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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 railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place;

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

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

"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 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 annuities rentcharges or securities transferable by delivery or any securities of the Council.

Part II.

Streets Buildings and Sewers.

Approval of plan to be void after certain intervals.

4. 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 execution of the work specified in such plan or section be not commenced within the following periods (that is to say):—

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

As to plans or 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 notice and deposit and approval shall unless the Council otherwise determine be requisite.

The Council shall give notice of the provisions of this section to every person intending to lay out a new street or 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 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.

As to plans deposited with Council.

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

Power to vary position or direction of new streets.

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

Council may define future line of existing streets.

7.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

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(2) The Council if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street or road where the same abuts upon the street or road and the same when purchased shall vest in the Council as part of the street or road.

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

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

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Council may declare where streets begin and end.

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

Intersecting streets.

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

Coutinuation of existing streets to be deemed new streets.

10. 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.

No building allowed until street defined.

11. 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 twenty pounds and to a daily penalty not exceeding forty shillings.

Further provisions as to new streets.

12. When a road or lane within the district becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Council may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to the width prescribed by the byelaws in force in the district require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be built on the Council shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Council.

Power to alter names of streets.

13. The Council may with the consent of two-thirds in number and value of the ratepayers in any street alter the name of such street or any part of such street The Council may also cause the name of any street or any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Any person who wilfully and without the consent of the Council obliterates defaces obscures removes or alters any such name shall be liable to a penalty not exceeding forty shillings.

Crossings for horses or vehicles over footways.

14. Every person desirous of forming a communication for horses or vehicles across any footpath 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 approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such communication as aforesaid has

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been so made or on or along any part of any such footway other than the part over which such communication 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 done to such footway Provided that nothing in this section shall be deemed to apply to the temporary crossing of footways during building operations if means satisfactory to the Council be taken to protect such footways from injury and for the convenience of foot passengers.

What to be deemed new buildings.

15. 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 reconversion 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 or buildings;

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

Height of buildings.

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

opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be In the case of a gable facing the street the measurement shall be to a point halfway between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves :

Provided that where any new building shall front to two or more streets the height of such new building shall be determined according to the width of the widest of such streets.

Height of chimneys.

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

(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house gasworks corn-mill foundry or building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height :

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

Erection of buildings to greater height than adjoining buildings.

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

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Deposit of building materials or excavations not to be placed without consent.

19. 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 materials 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.

Materials in streets.

20. The Council may remove appropriate use and dispose of all old materials existing in any street at the time of the execution by the Council of any works in such street unless the owners of buildings or lands in such street within forty-eight hours after notice so to do served on them by the surveyor remove such materials or their respective proportion thereof and the Council may if they think fit allow such sum as they may fix to be the reasonable value thereof to such owners for any materials which have been re-used or removed by the Council.

Recovery of damages caused to footways by excavations.

21. If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto the Council may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Council by the owner of the lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

As to temporary and movable buildings.

22.—(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 six weeks 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 six weeks without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Council may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

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

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district 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 in a summary manner from

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the owner of the building or from the person erecting or setting up the same at their discretion;

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

(d) Buildings (other than dwelling-houses) erected or set up on the premises of any railway company and used for the purposes of their railway.

Power to sell materials of temporary buildings.

23. 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 shall pay the balance thereof to the owner of such structure.

Provision for preventing formation of culs-de-sacs.

24. 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 would be unreasonable or impracticable for him to comply therewith.

Council may require enlarged sewer.

25. 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 shall be paid by the Council.

As to separate sewers.

26. Where under the provisions of the Public Health Acts or this Act the Council have 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 the Council may if such separate sewers have been provided 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.

For preventing soil and sand from being washed into streets.

27. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully and 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 For the purpose of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable.

For preventing water flowing on footpath.

28. Where premises abutting upon any street are so situate that the surface water from such premises is liable to flow on to the footpath of such street the owner of such premises shall within one month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Dangerous places to be repaired or inclosed.

29. With respect to the repairing or inclosing of dangerous places the following provisions shall have effect (namely):—

(1) If any building wall steps structure or other thing or any well excavation reservoir pond stream dam or bank

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on any land or place is for want of sufficient repair protection or inclosure dangerous to the passengers along any street or footpath the Council may order the owner within the period specified in such order to repair remove protect or inclose the same so as to prevent any danger therefrom:

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Council may cause such works as they think proper to be done for effecting such repair removal protection or inclosure and the expenses thereof shall be payable by the owner and may be recovered summarily.

As to urgent repairs to private streets.

30.—(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 dangers exist 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 repairs are not executed the Council may execute the repairs and may recover the cost of so doing from the owner or owners in default or if there be more than one owner in proportion to 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.

Prevention and removal of projections over streets.

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

In executing works for owner Council not liable for damages save in case of negligence.

32. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council or any contractor or person employed by them are required to pay any damages penalties costs charges and expenses

for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Council to make communications between private drains and their sewers on payment &c.

33. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Forecourts to be fence off from streets.

34. 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.

Trees or shrubs overhanging streets and footpaths.

35. 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.

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

36. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a

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drawing approved by the Council and in case the Council for the space of one month after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof 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.

Courts to be flagged.

37. The owner or owners of any existing or future court yard or passage used in common by two or more occupiers (not being a public highway adopted and kept in repair by the Council) or of any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging asphalting concreting or paving and drain in good repair and if any such owner or owners for one month after notice in writing from the Council fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners summarily.

Entrances to courts not to be closed.

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

Further bye-laws as to buildings.

39. The Council may make byelaws with respect to the materials with which new buildings shall be constructed.

Means of escape from buildings in case of fire.

40. Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel boarding-house common lodging-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.

Council may take proceedings for preventing obstructions in watercourses.

41. The Council may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourse or outfall for water or for the removal of any obstruction from any watercourse or outfall for water.

Exemption for railway property.

42. Nothing in this Part of this Act or any byelaws to be made thereunder shall apply to any buildings (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 III.

Sky-signs and Hoardings.

Regulations as to sky-signs.

43.—(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-

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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 consequence 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.

(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.

As to hoardings and other structures used for advertising purposes.

44.—(1) Every hoarding or similar structure in or abutting on or adjoining any street or so near to any street that it might if not supported fall thereon shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure to a greater height than 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 maintenance of such hoarding or similar structure as the Council may determine.

(3) The owner or other person using any hoarding wall or other 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 paper affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such paper.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made 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 or condition given or made under this section may be under the hand of the clerk or 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 the decision of the Council is notified to him in writing under the hand of the clerk provided he gives twenty-four hours written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

Part IV.

Sanitary Provisions.

Urinals to be attached to refreshment rooms.

45. Where any inn public-house beerhouse eating-house theatre or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house beerhouse eating-house theatre or other place of public entertainment to provide and maintain on the premises for the use of persons frequenting the same a proper and sufficient urinal or urinals and keep the same in good order and condition Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings Provided always that this section shall not apply to a refreshment room now or hereafter belonging to any railway company.

Council may require removal or alteration of urinals.

46. If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove such urinal or convenience or otherwise to reconstruct the same in such a manner as may be required to abate the nuisance and remove the offence against public decency Any person who fails within a reasonable time to comply with such notice or to show that it was given without justification shall be liable to a penalty not

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

Power to require waterclosets for new buildings.

47.—(1) The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are 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.

(2) Any person who shall offend 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 waterclosets.

48.—(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.

(3) 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 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 sum towards the expenses incurred by them (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.

(4) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

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

As to appeal under two last preceding sections.

49.—(1) Where any person deems himself aggrieved by any requirements of the Council under either of 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.

Charge for emptying ashpits of trade refuse.

50. If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any dust-bin ashpit or ashtub the Council may make a reasonable charge for the removal of the same which charge shall be paid to the Council by the occupier of the premises in respect of which the charge is made and may be recovered summarily as a civil debt.

Public conveniences and lavatories.

51. 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 in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (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 any such lavatories for such periods at such rents and subject to such

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conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

For regulating manufacture and sale of ice-cream &c.

52.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-creams or other similar commodity who within the district—

(A) Causes or permits ice-creams or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or 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;

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

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice-cream or any similar commodity suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owners of the ice-cream or similar commodity or materials so destroyed.

Inspection of premises.

53.—(1) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice-creams 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.

As to dealers in ice-creams.

54. Every dealer in ice-creams or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow or stand and if he fails to comply with this enactment he shall be liable to a penalty not exceeding forty shillings.

As to nuisances.

55. 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 stackpipe 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.

Reconstruction of drains to require approval of surveyor.

56. 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.

Provision for filling up cesspools &c.

57. If it shall appear to the Council by the report of the medical officer surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well belonging to any such house or part of a house 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 such house or part

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of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed or taken away or to cause such cesspool receptacle ashpit or well 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.

Improper construction or repair of watercloset or drain.

58. 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 fine 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.

59. If any person cause any drain watercloset waste-water closet earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected

therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds:

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.

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

60. 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 be properly made to communicate with such sewer.

Ejection of steam &c. not to be an annoyance to public.

61.—(1) All steam ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company.

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

Defining the establishing of a new business.

62. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established anew not only if it is established newly but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

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Time for recovery of expenses.

63. The Council may if they think fit allow to the owners time for the repayment of any expenses incurred by them under this Part of this Act and in that case section 257 of the Public Health Act 1875 shall apply as if such expenses were expenses for the repayment whereof the owner of the premises was made liable under that Act.

Rain-water pipes not to be used as soil pipes.

64. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or watercloset 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.

Water or stack pipes not to be used as ventilating shafts.

65. No water pipe stackpipe or down-spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain Any person who shall offend against this section after fourteen days from the service upon him by the Council of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Soil pipes to be ventilated.

66. The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Council shall direct and any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Regulation dustbins.

67. 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 bins 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 to 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.

Cleansing of cisterns.

68. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles kept 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.

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

Inspection of drains.

70.—(1) On complaint made on oath by the surveyor medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such surveyor medical officer or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain-water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the surveyor medical officer or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink rain-water cistern 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 and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer 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.

(2) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water supply sink

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rain-water cistern trap syphon pipe or other work and apparatus the Council shall cause any of such works or apparatus which they may have taken up or disturbed to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(3) If upon such inspection any drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus is found to be in such a state as to cause a nuisance 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 abate the nuisance and 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 or the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(4) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

Owners to permit drains to be tested.

71.—(1) Whenever the medical officer 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 an order of a court of summary jurisdiction apply such test (except the test of water under pressure) 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 test to be made shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) If the drains be found defective the owner or occupier 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 works and recover the costs thereof from the owner or other person liable under the lease or contract summarily as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

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

Prohibition of blowing or inflating carcases.

72. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought within the district and any person offending against this enactment or exposing or depositing for sale within the district a carcase blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Part V.

Infectious Disease.

Prohibiting conveyance of infected persons in public vehicle.

73. It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a fine not exceeding forty shillings.

Driver &c. of infected person to give notice.

74. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle to be disinfected and if he fails so to do he shall be liable to a fine not exceeding five pounds and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to cover any loss and expense incurred by him in connexion with such disinfection It shall be the duty of the Council when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

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Infected person not to carry on business.

75. 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 within the district and if he does so he shall be liable to a penalty not exceeding forty shillings.

Penalty on guardian permitting infected child to attend school.

76. No person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having seen or procured from the medical officer 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.

Principals of schools to furnish lists of scholars.

77. Whenever any scholar who attends any school within the district shall 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 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 after the rate of sixpence for every twenty-five scholars named therein.

Power to medical officer to examine school children.

78.— (1) The medical officer 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.

(2) The medical officer 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.

(3) Any person who shall obstruct the medical officer 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.

Disinfection of clothes.

79. Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Council or to the satisfaction of the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Council shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Filthy and dangerous articles to be purified.

80.—(1) Where on the certificate of the medical officer 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 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 owners of clothes in certain cases.

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

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

Dairymen to notify infectious disease among their servants.

82. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the medical officer 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 dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

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

83. If the medical officer 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.

Compensation to dairymen.

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

Compensation to persons ceasing employment.

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

Council may pay expenses of persons in hospital.

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

Cleansing of infected house and removal of persons therefrom.

87.—(1) Where it appears to the Council upon the certificate of the medical officer 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 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 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

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Council destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner.

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

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

themselves build a 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.

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

88. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the district of such disease the medical officer 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 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.

Council may provide nurses.

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

Notice of provisions of this Part of this Act.

90. The Council shall cause public notice to be given of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills or otherwise in such manner as they think sufficient and this Part of this Act 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 VI.

Milk Provisions.

Penalty for selling milk of diseased cows.

91. 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.

92. 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.

93. 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 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 section shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

94.—(A) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer 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 or such authorised person if he

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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.

95.—(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 or any person provided with and if required exhibiting the authority in writing of the medical officer 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 or such 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 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 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 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 section may in all respects be exercised in case of such dairy Provided that the medical officer 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 or such authorised person or veterinary surgeon as aforesaid as may be

required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section 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 district in which it is situate.

(F) The said order shall be forthwith withdrawn on the Council or their medical officer 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 section.

Appeal under this Part of Act.

96. The dairyman may appeal against an order of the Council under this Part of this Act 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

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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.

97. 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 Council to withdraw the order.

The court or the Board of Agriculture and Fisheries may determine and state whether an 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.

Notice of provisions of this Part of Act.

98. The Council shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act 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.

Procedure.

99. Offences under this Part of this Act 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.

Expenses and execution of this Part of Act.

100.—(1) All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and general district rate and

the Council may also charge upon the same 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.

(2) This Part of this Act 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.

Part VII.

Fire Brigade.

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

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

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

102.—(1) The captain or superintendent of the fire brigade of the Council or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the fire brigade of the Council or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

(2) The officer in charge of the police at any fire in the district shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop

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or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

Part VIII.

Financial.

Power to borrow.

103.—(1) The Council may independently of any other borrowing power borrow at interest money for paying the 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 purposes of this Act.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and general district rate.

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

104. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application of certain provisions of Act of 1900.

105. The following provisions of the Act of 1900 shall extend and apply to moneys borrowed or proposed to be borrowed under this Act except that the prescribed periods for the payment off of moneys borrowed under this Act shall be the periods prescribed by this Act (that is to say):—

Section 28 (Inquiries by Local Government Board);

Section 29 (Mode of raising money);

Section 31 (Provisions of Public Health Act as to mortgages to apply);

Section 34 (Power to re-borrow);

Section 35 (Protection of lender from inquiry);

Section 36 (Application of money borrowed); and

Section 38 (Saving for existing charges).

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Periods for repayment of money borrowed.

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

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

As to moneys borrowed with the sanction of the Local Government Board within such period as that Board may in each case prescribe.

Mode of payment off of money borrowed.

107. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

108.—(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 accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is 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 from time to time to vary and transpose such investments.

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

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(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 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 probable 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 within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

Council not to regard trusts.

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

Annual return to Local Government Board.

110.—(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 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

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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 pay 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.

Expenses of execution of Act.

111. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

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Audit of accounts.

112. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Part IX.

Miscellaneous.

Lands acquired for some purposes of Public Health Acts may be used for others.

113. Notwithstanding anything contained in section 175 of the Public Health Act 1875 any lands acquired by the Council in pursuance of any powers in that Act contained and not required for the purpose for which they were acquired may with the approval of and subject to such conditions as may be imposed by the Local Government Board be retained and used by the Council for any other purpose in like manner as if they had been originally acquired for such last-mentioned purpose.

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.

Work done on two or more properties.

115. Where under the provisions of this Act the Council 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.

Penalty on occupiers refusing execution of Act.

116. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts II. and IV. of this Act or under any byelaw made under the powers of those Parts of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council

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to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

General provisions as to byelaws.

117. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Council under the powers of this Act.

Informations by whom to be laid.

118. Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act 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 1899 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.

Evidence of appointments authority &c.

119. 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 servant solicitor 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.

120. 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 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. A.D. 1905.

As to appeal.

121. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate licence 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 and in regard to any such order the Council may in like manner appeal.

Recovery of penalties.

122. Save as otherwise by this Act 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 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.

Damages and charges to be settled by justices.

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

Penalties to be paid over to treasurer.

124. All penalties recovered by the Council or any officer of the Council on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and subject to the provisions of the Police Act 1890 shall be carried by him to the credit of the district fund or to such other fund as the Council direct.

Compensation &c. how to be determined.

125. 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 for by the Public Health Acts.

Saving for indictments &c.

126. 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

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penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Judges &c. not disqualified.

127. 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.

Powers of Act cumulative.

128. All powers rights and remedies given to the Council by this Act shall (except as regards the water undertaking or where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

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

Expenses of Act.

130. 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 shall after taxation by the taxing officer of the House of Lords or House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of any of their rates or funds and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

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