SCHEDULE.

Avocet.	Nuthatch.	Stonechat.
Bittern.	Owl.	Stonehatch.
Blackcap.	Oxbird.	Summer Snipe.
Chiffchaff.	Pewit.	Swallow.
Coot.	Phalerope.	Swan.
Creeper.	Pipit.	Swift.
Crossbill.	Plover.	Teal.
Cuckoo.	Ploverspage.	Thicknee.
Curlew.	Pochard.	Titmouse, Long-tailed.
Dotterel.	Purre.	Titmouse, Bearded.
Dunbird.	Quail.	Wagtail.
Dunlin.	Redpoll.	Warbler (Dartford).
Flycatcher.	Redshank.	Warbler (Reed).
Godwit.	Redstart.	Warbler (Sedge).
Golden-crested Wren.	Robin Redbreast.	Whaup.
Goldfinch.	Ruff and Reeve.	Wheatear.
Greenshank.	Sanderling.	Whinchat.
Hawfinch or Grosbeak.	Sand Grouse.	Whimbrell.
Hedgesparrow.	Sandpiper.	Widgeon.
Kingfisher.	Sealark.	Woodcock.
Landrail.	Shoveller.	Wild Duck.
Lapwing.	Siskin.	Woodlark.
Mallard.	Snipe.	Woodpecker.
Martin.	Spoonbill.	Woodwren.
Moor (or Water) Hen.	Stint.	Wren.
Nightingale.	Stonecurlew.	Wryneck.
Nightjar.		

CHAPTER 79.

An Act to amend the Law relating to Public Health. [10th August 1872.]

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

Preliminary.

1. This Act may be cited for all purposes as the Public Health Act, 1872. Short title.

2. This Act shall not apply to Scotland or Ireland, nor, except in so far as is by this Act expressly provided, to the Metropolis. Application of Act.

Sanitary Authorities.

3. From and after the passing of this Act England shall be divided into sanitary districts to be called respectively— Urban and rural sanitary districts.

(1.) Urban sanitary districts; and
(2.) Rural sanitary districts;

and such urban and rural sanitary districts shall respectively be subject to the jurisdiction of local authorities, in this Act called urban sanitary authorities and rural sanitary authorities, invested with the powers in this Act mentioned.

Description of urban sanitary districts and urban sanitary authorities.

4. Urban sanitary districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

TABLE above referred to.

Urban Sanitary District.	Urban Sanitary Authority.
Borough constituted such either before or after the passing of this Act - -	The Mayor, Aldermen, and Burgesses acting by the Council.
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or Local Government district.	The Improvement Commissioners.
Local Government district constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district.	The Local Board.

Provided that—

(1.) Any borough, the whole of which is included in and forms part of a Local Government district or Improvement Act district, and any Improvement Act district which is included in and forms part of a Local Government district, and any Local Government district which is included in and forms part of an Improvement Act district, shall for sanitary purposes be deemed to be absorbed in the larger district in which it is included, or of which it forms part; and the improvement commissioners or local board, as the case may be, of such larger district, shall be the sanitary authority therein; and

(2.) Where a Borough or an Improvement Act district is coincident in area with a Local Government district, such Borough or Improvement Act district shall be an urban sanitary district, and the council or improvement commissioners, having jurisdiction over such borough or district, and not a local board, shall be the sanitary authority:

(3.) Where any part of an Improvement Act district is situated within a borough or Local Government district, or where any part of a Local Government district is situated within a borough, the remaining part of such Improvement Act district or Local Government district shall continue subject to the like jurisdiction for sanitary purposes as it would have been subject to if this Act had not passed, unless and until the Local Government Board by provisional order otherwise directs.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport, Isle of Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. The Cambridge Commissioners described in section thirty-one of the Public Health Act, 1848, shall not exercise any fresh powers of rating or borrowing conferred upon them by this Act until the expiration of one year after the passing thereof, unless with the assent of the University first specified in writing under the hand of the Vice-Chancellor, and with the assent of the Town Council of Cambridge; and so much of the borough of Folkestone as is not included within the Local Government district of Sandgate shall be an urban sanitary district, and shall be under the jurisdiction, for sanitary purposes, of the authority for executing "The Folkestone Improvement Act, 1855."

Description of rural sanitary districts and rural sanitary authorities.

5. A rural union in this section means any union which is not coincident in area with an urban sanitary district, nor wholly included in an urban sanitary district.

The area of a rural union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district, and the

guardians of the union shall form the rural sanitary authority of such district, with the following exceptions; that is to say,

(1.) No elective guardian of any parish belonging to such union, and forming or being wholly included within an urban sanitary district, shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority.

(2.) Where part of a parish belonging to a rural union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such parish into separate wards and determine the number of guardians to be elected by such wards respectively in such manner as to provide for the due representation of the part of the parish lying within the rural sanitary district; but until such order has been made the guardian or guardians of such parish may act and vote as members of the rural sanitary authority in the same manner as if no part of such parish formed part of or was situated in an urban sanitary district:

(3.) An ex-officio guardian resident in any parish or part of a parish belonging to such union, which parish or part of a parish forms or is situated in an urban sanitary district, shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority, unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

First meeting of sanitary authority.

6. The first meeting of a sanitary authority under this Act shall be held within twenty-eight days after the passing of this Act, or at such other time as may be directed by order of the Local Government Board.

Powers and duties of urban sanitary authority.

7. Subject to the provisions of this Act, the Local Government Acts shall be deemed to be in force within the district of every urban sanitary authority, and from and after the first meeting of an urban sanitary authority in pursuance of this Act there shall be transferred and attached to an urban sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same;—All powers, rights, duties, capacities, liabilities, and obligations within such district exerciseable or attaching by and to a local board under the Local Government Acts, and by and to the sewer authority under the Sewage Utilization Acts, and by and to the nuisance authority under the Nuisances Removal Acts, and by and to the local authority under the Common Lodging Houses Acts, the Artizans and Labourers Dwellings Act, and the Bakehouse Regulation Act, or by and to any of the said authorities under any of such Acts, or any Acts amending such Acts.

Where the Baths and Washhouses Acts and the Labouring Classes Lodging Houses Acts or any of them are in force within the district of any urban sanitary authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exerciseable by or attached to the council, incorporated commissioners, local board, improvement commissioners, and other commissioners or persons acting in the execution of the said Acts or any of them.

Where the Baths and Washhouses Acts are not in force within the district of any urban sanitary authority, such urban sanitary authority may adopt such Acts, and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban sanitary authority, such urban sanitary authority may adopt such Acts.

Powers and duties of rural sanitary authority.

8. Subject to the provisions of this Act, and from and after the first meeting of a rural sanitary authority in pursuance of this Act, there shall be transferred and attach to a rural sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same, all powers, rights, duties, capacities, liabilities, and obligations within such district exerciseable or attaching by and to the sewer authority under the Sewage Utilization Acts, and by and to the nuisance authority under the Nuisances Removal Acts, and by and to the local authority under the Common Lodging Houses Acts, the Diseases Prevention Act, and the Bakehouse Regulation Act, or by and to any of the said authorities under any of such Acts, or any Acts amending such Acts.

Transfer of property to sanitary authority, and effect of transfer of property and powers.

9. From and after the first meeting of the sanitary authority of a sanitary district, all such property, real and personal, including all interest, easements, and rights in, to, and out of property, real and personal (including things in action), as belongs to, or is vested in, or would but for this Act have belonged to or been vested in, any authority whose powers, rights, duties, capacities, liabilities, and obligations are transferred to the sanitary authority, shall, so far as such property is applicable to and for the purposes of any such powers, rights, duties, liabilities, capacities, or obligations, pass to and vest in the sanitary authority, subject to all debts, liabilities, and obligations affecting the property so transferred.

All debts, liabilities, and obligations incurred by the authority whose powers, rights, duties, liabilities, capacities, and obligations are so transferred may be enforced against the sanitary authority to the same extent and in the same manner as they might have been enforced against the authority from which such transfer has taken place, and such last-mentioned authority shall be deemed to be discharged from such debts, liabilities, and obligations.

All property by this section transferred to a sanitary authority shall be held by it upon trust for the district or several parishes or places respectively within its jurisdiction to which such property belonged, or for the benefit of which such property was held previously to its transfer.

Officer of health and other officers to be appointed by sanitary authorities.

10. It shall be the duty of every urban sanitary authority to appoint from time to time a medical officer of health being a legally qualified medical practitioner.

It shall be the duty of every rural sanitary authority to appoint from time to time a medical officer or officers of health, being qualified as aforesaid, an inspector or inspectors of nuisances, a clerk, and a treasurer, and such other officers and servants as it may deem necessary for the efficient execution of the purposes of the Sanitary Acts; and the appointments of medical officers of health and inspectors of nuisances first made after the passing of this Act shall be for a period not exceeding five years.

The Local Government Board shall have the same powers as they have in the case of a district medical officer of a union with regard to the qualification, appointment, duties, salary, and tenure of office of a medical officer of health or other officer of a sanitary authority, any portion of whose salary is paid out of moneys voted by Parliament.

The same person may, with the sanction of the Local Government Board, be appointed the medical officer of health, or the inspector of nuisances for two or more sanitary districts, by the joint or several appointment of the sanitary authorities of such districts, and with the like sanction any district medical officer of a union may be appointed a medical officer of health.

A medical officer of health may exercise any of the powers with which an inspector of nuisances is invested by the Sanitary Acts or any of them.

Repeal of section 4 of Artizans and Labourers Dwellings Act, 1868.

11. The fourth section of "The Artizans and Labourers Dwellings Act, 1868," is hereby repealed, and all powers and duties conferred and imposed on officers of health under the said Act shall be exercised and performed by the medical officers of health from time to time appointed under the Sanitary Acts or this Act or any Local Act.

Clerk and treasurer of certain authorities.

12. Where the council of a borough or improvement commissioners, having been previously to the passing of this Act a local board, have appointed, in their capacity of local board, a different person as clerk or treasurer from the person who is their clerk or treasurer in their capacity of council or improvement commissioners, the clerk or treasurer so appointed by them shall continue to hold his office upon the terms upon which he held the same at the passing of this Act, but on such clerk or treasurer vacating the office it shall be discontinued as a separate office, and the person for the time acting as clerk or treasurer to such council or improvement commissioners, in their capacity of council or improvement commissioners, shall perform the duties of clerk or treasurer under the Sanitary Acts, with such additional remuneration as the council or improvement commissioners may determine.

The clerk and treasurer of the union shall be the clerk and treasurer of the rural sanitary authority having jurisdiction in such union, but there may be awarded to such clerk and treasurer, in respect of their additional duties under the Sanitary Acts, such remuneration as the rural sanitary authority may, with the approval of the Local Government Board, determine.

Appointment of committees by rural sanitary authority.

13. A rural sanitary authority may, at any meeting specially convened for the purpose, delegate for the current year of its office all its powers to a committee consisting wholly of its own members; provided always, that one third at least of such committee shall consist of ex-officio guardians, but in case an adequate number of such ex-officio guardians shall not exist, then the numbers so deficient shall be made up of elected guardians; and any such committee shall have the powers by this Act vested in the rural sanitary authority by which it was formed, and shall be deemed to be during such year of office as aforesaid the rural sanitary authority of the district.

A rural sanitary authority (including any committee so formed as aforesaid) may at any meeting specially convened for the purpose form for any parish or contributory place within its district a parochial committee consisting wholly of members of such sanitary authority or committee, or partly of such members and partly of such other persons contributing to the rate levied for sanitary purposes in such parish or contributory place, and qualified in such other manner (if any) as the authority forming such parochial committee may determine.

A parochial committee shall be subject to any regulations and restrictions which may be imposed by the authority which formed it: Provided that no jurisdiction shall be given to a parochial committee beyond the limits of the parish or contributory place for which it is formed, and that no powers shall be delegated to a parochial committee except powers which the rural sanitary authority could exercise within such parish or contributory place.

A rural sanitary authority (including any committee so formed as aforesaid) may from time to time add to or diminish the number of the members or otherwise alter the constitution of any parochial committee formed by it, or dissolve any parochial committee.

A parochial committee shall be deemed to be the agents of the authority which formed it, and the appointment of such committee shall not relieve that authority from any obligation imposed on it by Act of Parliament or otherwise.

A committee may elect a chairman of its meetings. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding the meeting, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as it thinks proper. The quorum of a committee shall consist of such number of members as may be prescribed by the authority that appointed it, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst its members.

29 & 30 Vict. c. 90. s. 4. repealed.

14. The fourth section of "The Sanitary Act, 1866," is hereby repealed.

Powers of inspectors of Local Government Board.

15. Inspectors of the Local Government Board may attend any meetings of local boards, or rural sanitary authorities, when and as directed by the Local Government Board, and such inspectors shall, for the purposes of any inquiry directed by the Local Government Board, in relation to witnesses and their examination, the production of papers and accounts, the inspection of places and matters required to be inspected, have for the purposes of the Sanitary Acts similar powers to those which Poor Law inspectors have under the Acts relating to the poor law for the purposes of those Acts. The sanitary authority of the district of Oxford shall not, for the purposes of this section, be deemed to be a local board.

Expenses of urban sanitary authority.

16. All expenses incurred or payable by an urban sanitary authority under the Sanitary Acts shall, if the Local Government Acts, or the provisions of those Acts with respect to

rating, were at or immediately before the passing of this Act in force throughout the district of such authority, or within a Local Government district wholly within such district, be defrayed in manner provided by those Acts; and if the Local Government Acts were not so in force at or immediately before the passing of this Act be defrayed as follows; that is to say,

(1.) In the case of the council of a borough, out of the borough fund or borough rate:

(2.) In the case of improvement commissioners, out of any rate in the nature of a general district rate leviable by them as such commissioners throughout the whole of their district:

Provided that where an urban sanitary authority had, before the passing of this Act, power to levy within its district a rate or rates for paving, sewering, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under the Sanitary Acts shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable.

Expenses of rural sanitary authority.

17. The expenses incurred by a rural sanitary authority under the Sanitary Acts shall be divided into general expenses and special expenses.

General expenses, other than those chargeable upon owners and occupiers under the Sanitary Acts, shall be the expenses of the establishment and officers of the sanitary authority, the expenses in relation to disinfection, the providing conveyance for infected persons, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction of sewers in any contributory place within the district, the providing a supply of water to any such place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses.

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under the Sanitary Acts for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work, and of maintaining the same, in such proportions as it thinks just, between such contributory places, and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

The overseers of any contributory place if aggrieved by any such apportionment, may within twenty-one days after notice has been given to them of the apportionment, send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the parishes in the district according to the rateable value of each parish and contributory place in manner herein-after mentioned.

Special expenses shall be a separate charge on each contributory place.

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act; that is to say,

(1.) Every parish not having any part of its area within the limits of a special drainage district or of an urban sanitary district; and

(2.) Every special drainage district; and

(3.) In the case of a parish wholly situated in a rural sanitary district and part of which forms or is part of a special drainage district, such portion of that parish as is not comprised within such special drainage district; and

(4.) In the case of a parish a part of which is situated within the limits of an urban sanitary district, such portion of that parish as is not comprised within such urban sanitary district, or within a special drainage district.

18. For the purpose of obtaining payment from the several parishes and contributory places within its district of the sum to be contributed by them, the rural sanitary authority shall issue its precept to the overseers of each parish and contributory place situated within its district requiring such overseers to pay, within a time limited by the precept, the amount specified in such precept to the rural sanitary authority, or to some person appointed by it, care being taken to issue separate precepts in respect of contributions for general expenses and special expenses, or to make such expenses respectively separate items in any precept including both classes of expenses. Mode of raising contributions in rural sanitary district.

Where a contributory place or part of a contributory place is part of a parish as defined by this Act, the overseers of such parish shall for the purposes of this Act be deemed to be the overseers of such contributory place or such part thereof.

The overseers shall comply with the requisitions of such precept by paying the contribution required in respect of general expenses out of the poor rate of their respective parishes, and with respect to special expenses by raising the contribution required by the levy (in the case of an entire parish on the whole of such parish, and in the case of a contributory place or part of a contributory place forming part of a parish, by the levy on such place or such part thereof, exclusive of the rest of the parish) of a separate rate in the same manner and with the same exemption in every respect as if it were a rate levied in pursuance of the seventeenth section of the Sewage Utilization Act, 1867, for the purpose of satisfying the requisitions of a precept of such sewer authority as is in the said section mentioned.

A separate rate under this Act shall, as respects the powers of the overseers in relation to making, assessing, and levying such rate, and as respects the appeal against such rate, and all other incidents thereof except the purposes to which it is applicable, and such exemption as aforesaid, and except the allowance of justices, which shall not be required, be subject to the same provisions as apply in law to a rate levied for the relief of the poor; and the overseers of a parish shall have the same powers of levying such separate rate in a contributory place or part of a contributory place, forming part of their parish, as they would have if such contributory place or such part thereof constituted the whole of their parish.

Where a contribution for general expenses is required from a contributory place or part of a contributory place which is part of a parish, the overseers shall from time to time levy such increase of rate from the contributory place or such part thereof as may be sufficient to recoup the parish for the sum it has paid on account of the contributory place or such part thereof in respect of general expenses under this Act, and carry the same to the general account of the parish, and such increase of rate shall be raised in such contributory place or part of a contributory place by an addition to the poor rate, or by a separate rate to be assessed, made, allowed, published, collected, and levied in the same manner as a poor rate. The officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect any separate rate made under this section, and receive such remuneration for the additional duty as the overseers with the consent of the vestry may determine.

The overseers shall at the expiration of their term of office pay any surplus in their hands arising from any separate rate levied in pursuance of this Act above the amount for which the rate was made to the rural sanitary authority or to such person as it may appoint, to the credit of the contributory place within which or within part of which such rate was made, and such surplus shall go in reduction of the next call that may be made on such contributory place or such part thereof for the purpose of defraying the expenses incurred by the rural sanitary authority.

19. If the amount required by any precept of a rural sanitary authority to be paid by the overseers of any parish be not paid in manner directed by such precept and within the time therein specified for that purpose, the rural sanitary authority shall have the like remedy for recovery from the overseers of such amount as is not paid as guardians have for the time being for recovery from overseers of contributions of parishes, and for that purpose the precept of the rural sanitary authority requiring the payment shall be conclusive evidence of the amount thereof. Remedy for nonpayment by overseers of amount required by precept of sanitary authority.

Port Sanitary Authorities.

Sanitary authorities of ports to be constituted.

20. The Local Government Board may, by provisional order, permanently constitute any sanitary authority whose district or part of whose district forms part of or abuts upon any part of a port in England, or the waters of such port, or any conservators, commissioners, or other persons having authority in or over such port or any part thereof, (which sanitary authority, conservators, commissioners, or other persons are in this Act referred to as a "riparian authority,") the sanitary authority of the whole of such port, or of any part thereof, and may by such order assign to it (in this Act referred to as the "port sanitary authority") any powers, rights, duties, capacities, liabilities, and obligations under the Sanitary Acts, or any of them, and direct the mode in which the expenses of such port sanitary authority are to be paid; and until such provisional order has been made and confirmed by Parliament, the Local Government Board may by order temporarily constitute any such riparian authority as aforesaid the port sanitary authority of the whole port, or of any part thereof, for the purposes of the Sanitary Acts, or any provisions thereof.

A port shall mean a port as established for the purposes of the laws relating to the Customs of the United Kingdom.

The order of the Local Government Board constituting a port sanitary authority shall be deemed to give such authority jurisdiction over all waters within the limits of such port, and also over the whole or such portions of the district within the jurisdiction of any riparian authority as may be specified in the order.

A port sanitary authority may, with the sanction of the Local Government Board, delegate to any other riparian authority within or bordering upon its district the exercise of any powers conferred on such port sanitary authority by the order of the Local Government Board, but except in so far as such delegation may extend no other sanitary authority shall exercise any powers conferred on a port sanitary authority by the order of the Local Government Board within the district of such port sanitary authority.

The Local Government Board may, in pursuance of this section, constitute a port sanitary authority by uniting two or more riparian authorities instead of making one riparian authority only a port sanitary authority, as herein-after provided with reference to the formation of sanitary district or united district, and may assign to the port sanitary authority so constituted any of the powers, rights, duties, capacities, liabilities, and obligations aforesaid.

This section shall extend to the port of London, but the mayor, aldermen, and commons of the City of London shall be deemed to be the sanitary authority of the port of London, and shall pay out of their corporate funds all their expenses as such port sanitary authority.

Expenses of port sanitary authority how to be defrayed.

21. Any expenses incurred by a port sanitary authority constituted temporarily in carrying into effect any sanitary purposes shall be defrayed out of a common fund to be contributed by the riparian sanitary authorities in such proportions as the Local Government Board thinks just.

Such port sanitary authority, if itself a sanitary authority independently of its character of a port authority, shall raise the proportion of expenses due in respect of its own district in the same manner as if such expenses had been incurred by it in the ordinary manner for the purposes of this Act.

For the purpose of obtaining payment from the contributory riparian sanitary authorities of the sums to be contributed by them, such port sanitary authority shall issue its precept to each such authority requiring it, within a time limited by the precept, to pay the amount therein mentioned to such port sanitary authority, or to such person as such port sanitary authority may direct.

Any contribution payable by a riparian sanitary authority to such port sanitary authority shall be a debt due from it, and may be recovered accordingly, such contribution in the case of a rural sanitary authority being deemed general expenses of that authority. If any riparian sanitary authority makes default in complying with the precept addressed to it by such port sanitary authority, such port sanitary authority may, instead of

instituting proceedings for the recovery of the debt, or in addition to such proceedings, as to any part of the debt which may for the time being be unpaid, proceed in a summary manner, as herein-after mentioned, to raise within the district of the defaulting authority such sum as may be sufficient to pay the debt due.

Alteration of Areas.

Alteration of areas and local authorities.

22. The following regulations shall be made as to the alteration of areas and local authorities:

(1.) The Local Government Board, by provisional order, may dissolve any Local Government district and may merge any such district in some other sanitary district or districts, or it may, by provisional order, declare any portion of a local government or a rural sanitary district immediately adjoining a Local Government district to be included in such last-mentioned district, and thereupon such included portion shall, for all sanitary purposes, be deemed to form part of such last-mentioned district; and the remaining part of such Local Government district or rural sanitary district shall continue subject to the like jurisdiction for sanitary purposes as it would have been subject to if such order had not been made unless and until the Local Government Board by provisional order otherwise directs:

(2.) In the case of a borough comprising within its area the whole of an Improvement Act district, or having an area coextensive with such district, the Local Government Board may, by provisional order, dissolve such district and transfer to the council of the borough the jurisdiction and powers of the Improvement Commissioners of such district:

(3.) Where a special drainage district has been formed under the Sewage Utilization Acts previously to the passing of this Act, but no works have been executed therein in respect of which a loan has been raised, such district may, by order of the Local Government Board, be dissolved:

(4.) Where a special drainage district has been formed under the Sewage Utilization Acts previously to the passing of this Act, and works have been executed therein in respect of which a loan has been raised, the Local Government Board may, by provisional order, dissolve such district and merge it in the parish or parishes in which it is situated.

Any order made in pursuance of this section may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts, parishes, or other places in consequence of the exercise of any powers conferred by this section, and direct the persons by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and where any Local Government district is diminished or increased in extent under this section the provisional order shall prescribe the number of members to be elected for the district when altered.

Application of urban sanitary provisions to rural sanitary district.

23. The Local Government Board may, on the application of the authority of any rural sanitary district, or of ratepayers, the assessment of whose hereditaments amounts at the least to one tenth of the net rateable value of such district, or of any contributory place therein, by order, to be published in the London Gazette, or in such other manner as the Local Government Board may direct, invest such authority with all or any of the powers, rights, duties, capacities, liabilities, and obligations of an urban sanitary authority, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of its district, or manner during, at, and in which such powers, rights, duties, liabilities, capacities, and obligations are to be exercised and attach: Provided that an order of the Local Government Board made in pursuance of an application from one tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural sanitary authority with any new powers beyond the limits of such contributory place.

Power for Local Government Board to constitute Local Government districts.

24. The Local Government Board may, by provisional order, declare any rural sanitary district, or any portion of any rural sanitary district or districts, to be an urban sanitary district; and, upon such order being confirmed by Parliament, the district or portion of the district or districts referred to therein shall become a Local Government district, and shall be subject to the jurisdiction of a local board, and the expenses incurred by such board in the performance of its duties under the Sanitary Acts shall be defrayed in manner provided by the Local Government Acts.

As to adoption of Local Government Acts, and constitution of special drainage district.

25. After the passing of this Act, the Local Government Acts shall not, nor shall any provision thereof, be adopted in or by any place without the consent of the Local Government Board, and it shall be lawful for a rural sanitary authority, with the consent of the Local Government Board, but not otherwise, to constitute any portion of the area within its jurisdiction a special drainage district; and thereupon such area shall become a separate contributory place.

Union of Districts.

Formation of united district.

26. Where it appears to the Local Government Board on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or any of them, or any parts thereof, or of any contributory places in any rural sanitary district or districts, to be formed into a united district for all or any of the purposes following; that is to say,

(1.) The procuring a common supply of water; or

(2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or

(3.) For any other purposes of the Sanitary Acts;

the Local Government Board may, by provisional order, form such districts or contributory places into a united district.

Mode of forming united district.

27. The following enactments shall take effect in relation to making a provisional order forming a united district; that is to say,

(1.) Notice of the provisional order shall be published in some newspaper circulating in the district to which it relates, and in such other manner as the Local Government Board may direct:

(2.) All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act:

(3.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.

Governing body of united district.

28. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may by the provisional order forming the district determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution, without any license in mortmain.

No act or proceeding of a joint board shall be questioned on account of any vacancy or vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part.

Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place, or at the next ensuing meeting, by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved every meeting of a joint board where minutes have

been so made, of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

No member of a joint board by being party to, or executing in his capacity of member, any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and a joint board may apply any moneys from time to time coming into its hands for the purpose of paying any costs of legal proceedings or damages it may incur in the exercise of the powers granted to it: Provided that nothing in this section shall exempt any member of a joint board from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such joint board, and which such member authorised or joined in authorising.

Regulation as to constitution of joint board.

29. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under the Sanitary Acts which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations, which the joint board is authorised to exercise or perform or is made subject to; nevertheless, the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers or the performance of any of its duties.

Expenses incurred by joint board how to be defrayed.

30. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund, to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being.

A joint board may borrow and take up at interest on the credit of such common fund any sums of money necessary for defraying any such expenses, subject to the regulations of the Local Government Acts with respect to borrowing by local boards under those Acts.

Payment of contributions to joint board.

31. For the purpose of obtaining payment from component districts of the sums to be contributed by them, the joint board shall issue its precept to the sanitary authority of each component district stating the sum to be contributed by it, and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board, or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly, such contribution in the case of a rural sanitary authority being deemed to be general expenses.

If any sanitary authority makes default in complying with the precept addressed to it, the joint board may, instead of instituting proceedings for the recovery of a debt or in addition to such proceedings as to any part of a debt which may for the time being be unpaid, proceed in a summary manner as herein-after mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the sum due.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof.

Use of sewer of subjacent district for out-

32. A sanitary authority unto whose district the district of another sanitary authority is subjacent may, by agreement with the last-mentioned authority, and with the sanction

fall of district above it.

of the Local Government Board, given on the application of the first-named authority after public inquiry, if the Local Government Board think such inquiry necessary, cause the sewers of its district to communicate for the purpose of outfall with the sewers of the subjacent district, and for the purpose of reception, disinfection, distribution, and disposal of the sewage of such first-named authority by the authority of the subjacent district, or for all, any, or either of those purposes, upon such terms as to payment or otherwise, in such manner as to making and maintaining the outfall, and with and subject to such conditions, precautions, and restrictions as shall be agreed upon between the sanitary authorities, or, in case of dispute, shall be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the higher into the sewers of the subjacent district, and that the sewage of other districts or places shall not be permitted by the sanitary authority of the higher district to pass into their sewers so as to be discharged through such outfall into the sewers of the subjacent district without the consent of such last-mentioned district; and all expenses incurred in pursuance of this section by the said sanitary authorities, or either of them, shall be deemed to be expenses incurred by them respectively in performance of their duties under the Sanitary Acts, and be respectively payable accordingly out of the rates out of which such expenses are by this Act made payable, or out of moneys duly borrowed on the credit of such rates.

Repeal of Acts.

Repeal of Local Acts.

33. The Local Government Board may, on the application of the sanitary authority of any district, by provisional order, wholly or partially repeal, alter, or amend any Local Acts, other than Acts for the conservancy of rivers, in force in such district, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals for their own pecuniary benefit, which relate to the same subject matters as the Sanitary Acts.

If any officer of any trustees, commissioners, or other body of persons intrusted with the execution of any such Local Act, and whether acting exclusively under the Local Act or partly under the Local Act and partly under provisions of the Local Government Act, is, by or in pursuance of any such provisional order or of this Act, removed from his office, or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value by the authority of any sanitary district, the Local Government Board may by order award to such officer such compensation as the said Board may think just, and such compensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of any rates applicable to sanitary purposes within that district.

Miscellaneous.

As to consent of Local Government Board required in certain cases.

34. Where in any Local Acts the consent, sanction, or confirmation of one of Her Majesty's Principal Secretaries of State is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall, after the passing of this Act, be required instead of that of the Secretary of State.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Wash-houses Acts.

The approval of the Local Government Board, and not that of one of Her Majesty's Principal Secretaries of State, shall be required for the appointment and removal of analysts under an Act of the session holden in the twenty-third and twenty-fourth years of the reign of Her Majesty, intituled "An Act for preventing the adulteration of articles "of food or drink."

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

Transfer of powers and duties of Board of Trade under Alkali Act, 1863, and Metropolis Water Acts, 1852 and 1871, to Local Government Board.

35. It shall be lawful for Her Majesty by Order in Council, at any time before the first day of January one thousand eight hundred and seventy-three, to direct that the powers and duties of the Board of Trade under the "Alkali Act, 1863," and any Act amending the same, and under the Metropolis Water Acts, 1852 and 1871, shall be transferred to the Local Government Board, and from and after the date of such order, or if no such order shall be made then from and after the said first day of January one thousand eight hundred and seventy-three, the powers and duties of the Board of Trade under the said Acts shall be transferred to and be exerciseable and performed by the Local Government Board, and "the Local Government Board" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

Transfer of powers and duties of Secretary of State under Highway and Turnpike Acts to Local Government Board.

36. From and after the passing of this Act, all powers, duties, and acts vested in, imposed on, or required to be done by or to one of Her Majesty's Principal Secretaries of State by the several Acts of Parliament relating to highways in England and Wales, and to turnpike roads and trusts, and bridges in England and Wales, shall be transferred to, imposed on, and be done by or to the Local Government Board, subject to the conditions, liabilities, and incidents to which such powers, duties, and acts were respectively subject immediately before the passing of this Act or as near thereto as circumstances admit.

Transfer of officers to Local Government Board.

37. All inspectors, clerks, and other officers employed in or about the execution of the powers and duties transferred by virtue of the provisions of this Act to the Local Government Board shall, from and after such transfer, be attached to and under the control of the Local Government Board.

The officers so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

The Local Government Board may by order distribute the business to be performed under the Local Government Board amongst the several officers and persons transferred by this Act to the Board in such manner as the Local Government Board may think expedient.

Salary of medical officer.

38. Whereas the medical officer of the Privy Council has under and by virtue of the sixth section of the Local Government Board Act, 1871, been attached to the Local Government Board in manner therein provided, and it is expedient to make provision as to the salary of such medical officer: Be it enacted, that notwithstanding anything contained in any Act of Parliament now in force there shall be paid out of moneys to be provided by Parliament to such medical officer such salary as the Treasury may from time to time determine, and this section shall be deemed to have taken effect as from the first day of April one thousand eight hundred and seventy.

Settlement of differences arising out of transfer of powers or property to sanitary authority.

39. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred, or alleged or claimed to be transferred, in pursuance of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys, and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made, or other act or thing to be done, which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

Power of raising money on credit of rates.

40. Any sanitary authority may, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by it in the performance of its duties under the Sanitary Acts, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses, subject to the regulations in the Sanitary Acts.

An urban sanitary authority may borrow and take up at interest such money on the credit of all or any rates or rate out of which it is authorised by the Sanitary Acts to pay any expenses incurred by it for sanitary purposes, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

A rural sanitary authority may borrow and take up at interest such money, if intended to be applied to purposes constituting the general expenses of such authority on the credit of the common fund out of which such expenses are payable, and if intended to be applied to purposes constituting the special expenses of such authority on the credit of any rate or rates out of which such expenses are payable, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

The words "permanent works" in the Local Government Act, 1858, shall include any works the cost of which in the opinion of the Local Government Board ought to be spread over a term of years.

The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall be incorporated with this Act, and in the construction of that Act "the special Act" shall mean this Act; "the Commissioners" shall mean any authority authorised to borrow by this Act; "the clerk of the Commissioners" shall include any officer appointed for the purpose by any such authority.

The mortgagees or assignees of any mortgage made in pursuance of this Act may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

Power of raising money on credit of sewage land and plant.

41. Where any sanitary authority or joint board is possessed of any land, works, or other property in pursuance and for the purposes of the Sewage Utilization Act, 1867, such authority or joint board may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if such sanitary authority or joint board were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under the Sanitary Acts; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority or joint board by the Sanitary Acts. The sanitary authority or joint board may pay out of any rates leviable by it for sanitary purposes the interest on any moneys borrowed by such authority or joint board in pursuance of this section.

Repeal of section 151 of Public Health Act, 1848.

42. From and after the passing of this Act, section one hundred and fifty-one of the Public Health Act, 1848, shall be repealed: Provided always, that any deed or other instrument actually executed prior to the passing of this Act by or in favour of any municipal corporation or other body acting as and being a Local Board of Health or Local Board, and exempt from stamp duty under the said Act, shall be valid for all intents and purposes although the same has not been stamped.

Limit of rating under Local Acts not to apply to expenses for sanitary purposes.

43. Any limit imposed on or in respect of any rate by any Local Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes.

Public Works Loan Commissioners may lend to sanitary authority on security of rates.

44. The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, make any loan to any sanitary authority in pursuance of any powers of borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed, and such loan to be repaid within a period not exceeding thirty or fifty years, as provided by those Acts, and to bear interest at the rate of three and a half per centum per annum, or such other rates as may, in the judgment of the Lords Commis-

sioners of the Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer, on the security of any fund or rate applicable to sanitary purposes, and without requiring any further or other security:

Provided as follows:

(1.) That in determining the time when a loan under this section shall be repayable the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:

(2.) That in the case of any loan already made to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum:

(3.) That this section shall not extend to any loan under "The Sanitary Loans Act, 1869," required for the purpose of defraying the expenses incurred or to be incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of this Act.

Confirmation of provisional orders by Parliament.

45. The Local Government Board shall not make any provisional order under this Act, unless public notice shall have been previously given by advertisement in two successive weeks in some newspaper published or circulating in the district to which such provisional order relates, and after hearing any objections which may be made thereto by any persons affected thereby, and in cases where the subject-matter is one to which a local inquiry is applicable, until it has made, by one of its inspectors, a local inquiry of which public notice has been given, and at which all persons interested have been permitted to attend and make objections.

The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such provisional order shall be of no force whatever unless and until it is confirmed by Parliament. If while the Bill confirming such order is pending in either House of Parliament a petition is presented against any provisional order comprised therein, the Bill, so far as it relates to such order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

Any Act confirming any provisional order issued in pursuance of the Sanitary Acts or any of them may be repealed, altered, or amended by any provisional order made by the Local Government Board and duly confirmed by Parliament. The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament; but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

Securities under certain provisional orders to be valid.

46. Where by any provisional order under the Sanitary Acts extending the borrowing powers of a Local Board, and confirmed by Act of Parliament, it is directed that the sums borrowed shall be repaid within a period of fifty years from the date of the borrowing thereof, any security which has been given for a sum so borrowed shall not be invalid by reason of the same having been made repayable within a period of less than fifty years from the borrowing thereof.

Costs of provisional orders.

47. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of the Sanitary Acts, or any of such Acts, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for sanitary purposes by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board the sanitary authority may contract a loan for the purpose of defraying such costs.

Orders of the Local Government Board how to be published.

48. Every order of the Local Government Board under the Sanitary Acts (unless otherwise prescribed by the said Acts) shall be published in such manner as that Board may direct; and every general order of the Local Government Board, made in pursuance of the Poor Law Amendment Act, 1834, and the several Acts amending the same, shall be published in the London Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order of the Poor Law Board

made and sent in the manner prescribed by the last-mentioned Acts, and no further proceedings shall be necessary in such behalf; and as regards any single order of the said Board, made in pursuance of the said last-mentioned Acts, it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions.

Audit of accounts.

49. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board; the accounts of every rural sanitary authority shall be audited in every respect in the same manner as their accounts are audited in their capacity of guardians.

The accounts of the overseers collecting or paying any money for the purposes of the Sanitary Acts shall be audited in the same manner as the accounts of overseers collecting or paying any money for the purposes of the Acts relating to the relief of the poor.

An auditor shall, with respect to the accounts audited under this section, have the like powers and be subject to the like obligations in every respect as in the case of an audit under the Acts relating to the relief of the poor, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

Taxation of bill of solicitor or attorney.

50. On the application of any sanitary authority whose accounts are required by the Sanitary Acts to be audited to the clerk of the peace of the county in which the area under the jurisdiction of such authority is wholly or in part situated, his deputy shall tax any bill due to any solicitor or attorney in respect of legal business performed on behalf of such authority; and the allowance of any sum on such taxation shall be primâ facie evidence of the reasonableness of the amount, but not of the legality of the charge.

The clerk of the peace shall be allowed for such taxation a remuneration after the rate to be fixed by the master of the Crown Office, and declared by an order of the Local Government Board.

If any such bill is not taxed by the clerk of the peace or some other duly authorised taxing officer before being presented to the auditor, the auditor's decision upon the reasonableness and the legality of the charge shall be final.

Sanitary authority may order destruction of infectious bedding, &c., and give compensation for same.

51. Every sanitary authority shall have power to direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and to give compensation for the same.

Penalty on breach of rules made under s. 52 of 29 & 30 Vict. c. 90.

52. Any person wilfully neglecting, or refusing to obey or carry out, or obstructing the execution of any rule, order, or regulation made by the Local Government Board under section fifty-two of the Sanitary Act, 1866, shall be guilty of an offence punishable on summary conviction before two justices, and be liable to a penalty not exceeding fifty pounds.

Legal Proceedings.

Legal position of sanitary authority.

53. Subject to the provisions of this Act, every sanitary authority shall, as respects the service of notices in pursuance of the Sanitary Acts, by or on behalf of, or on such authority, and as respects all legal proceedings, matters, and things to be taken or done in pursuance of the Sanitary Acts, by or on behalf of or to such authority, stand in the same position in all respects in which, previously to the passing of this Act, any authority stood whose powers, rights, duties, capacities, liabilities, and obligations are transferred to such authority; and for the purposes of this section a joint board shall be deemed to be a sanitary authority.

Proceedings for raising a sum for payment of debt within district of a defaulting authority.

54. Where any port sanitary authority, joint board, or other authority is authorised in pursuance of the Sanitary Acts to proceed in a summary manner to raise within the district of a defaulting authority such sum as may be sufficient to pay any debt due to it, the authority so authorised for the purpose of raising such sum shall within the district of the defaulting authority have, so far as relates to the raising such sum, the same powers as if it were the defaulting authority, and as if such sum were expenses properly incurred by the defaulting authority within its district.

Where the defaulting authority has power to raise any moneys due for its expenses by levy of a rate from individual ratepayers, the authority so authorised as aforesaid shall have power to levy such a rate by any officer appointed by it, and the officer so appointed shall have the same powers, and the rate shall be levied in the same manner and be subject to the same incidents in all respects as if it were being levied by the officer of the defaulting authority for the payment of the expenses of that authority, and where the defaulting authority has power to raise moneys due for its expenses by issuing precepts, or otherwise requiring payments from any other authorities, the authority so authorised as aforesaid shall have the same power as the defaulting authority would have of issuing precepts, or otherwise requiring payment from such other authorities.

Any precepts issued by the authority so authorised as aforesaid for raising the sum due to it may be enforced in the same manner in all respects as if they had been issued by the defaulting authority.

The authority so authorised as aforesaid may, in making an estimate of the sum to be raised for the purpose of paying the debt due to it, add such sums as it thinks sufficient, not exceeding ten per cent. on the debt due, and may defray thereout all costs, charges, and expenses (including compensation to any persons it may employ) to be incurred by such authority by reason of the default of the defaulting authority; and the authority so authorised as aforesaid shall apply all moneys raised by it in payment of the debt due to it, and such costs, charges, and expenses as aforesaid, and shall render the balance, if any, remaining in its hands after such application to the defaulting authority.

Saving Clauses.

Relation of local Acts to general Acts.

55. Where in any sanitary district any Local Act is in force, providing for objects the same as or similar to the objects of any enactment of the Sanitary Acts, proceedings may be instituted, at the discretion of the authority or person instituting the same, either under the Local Act or the Sanitary Acts, or under both, subject to these qualifications:

(1.) That no person shall be punished for the same offence both under a Local Act and the Sanitary Acts; and,

(2.) That the sanitary authority shall not, by reason of any Local Act in force within its jurisdiction, be exempted from the performance of any duty or obligation to which it may be subject under the Sanitary Acts, or any of them.

Saving for collegiate bodies and Government departments.

56. Any collegiate or other corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government shall have the same powers and be subject to the same obligations under and in pursuance of the Sewage Utilization Act, 1867, as if this Act had not passed.

Saving for Metropolitan Board of Works.

57. Nothing in or done under this Act shall affect any outfall or other works of the Metropolitan Board of Works (although beyond the metropolis) executed under the Metropolis Management Acts, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works.

The Metropolis Management Acts means "The Metropolis Management Act, 1855," and the Acts amending or extending the same.

Saving for main sewerage districts under 11 & 12 Vict. c. 63.

58. Where any district has been constituted in pursuance of the provisions of the Public Health Act, 1848, for the purposes of main sewerage only, the authority of such district shall have the same powers, and be subject to the same obligations under that Act, and any Act amending the same, as if this Act had not passed: Provided, that the Local Government Board may by provisional order dissolve such district, or may invest the authority of such district with any powers, rights, duties, capacities, liabilities, and obligations exerciseable by or attaching to a sanitary authority under the Sanitary Acts.

Powers given by this Act to be cumulative.

59. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed.

Definitions.

Definitions.

60. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

"Borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in "England and Wales," and any Act amending the same:

"The metropolis" means all parishes and places in which the Metropolitan Board of Works have power to levy a main drainage rate:

"Local Government District" means any area subject to the jurisdiction of a local board constituted in pursuance of the Local Government Act, 1858, as defined by section eight of the Local Government Act Amendment Act, 1863, and "local board" means any board so constituted:

"Improvement Act district" means any area for the time being subject to the jurisdiction of any commissioners, trustees, or other persons invested by any Local Act with powers of town government and rating, and empowered under the Local Government Acts to adopt those Acts or any part or parts thereof:

"Improvement Commissioners" means the commissioners, trustees, or other persons invested by any Local Act with powers of town government and rating, and empowered under the Local Government Acts to adopt those Acts or any part or parts thereof:

"Parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

"Union" means a union of parishes incorporated or united for the relief or maintenance of the poor under any public or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians:

"Guardians" means any persons or body of persons by whom the relief of the poor is administered in any union:

"Person" includes any body of persons, whether corporate or unincorporate:

"Local Government Acts" means 11 & 12 Vict. c. 63. (Public Health Act, 1848); 21 & 22 Vict. c. 98. (Local Government Act, 1858); 24 & 25 Vict. c. 61. (Local Government Act (1858) Amendment Act, 1861); 26 Vict. c. 17. (The Local Government Act Amendment Act, 1863), and any enactments amending the same:

"Labouring Classes Lodging Houses Acts" means 14 & 15 Vict. c. 34. (Labouring Classes Lodging Houses Act, 1851); 29 & 30 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1866); 30 & 31 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1867):

"Artizans and Labourers Dwellings Act" means 31 & 32 Vict. c. 130. (Artizans and Labourers Dwellings Act, 1868):

"Bakehouse Regulation Act" means 26 & 27 Vict. c. 40. (Bakehouse Regulation Act, 1863):

"Diseases Prevention Act" means 18 & 19 Vict. c. 116. (Diseases Prevention Act, 1855), as amended by 23 & 24 Vict. c. 77. ss. 10–12. (An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases):

"Baths and Wash-houses Acts" means 9 & 10 Vict. c. 74. (An Act to encourage the establishment of Public Baths and Wash-houses); 10 & 11 Vict. c. 61. (An Act to amend the Act for the establishment of Public Baths and Wash-houses):

"Common Lodging Houses Acts" means 14 & 15 Vict. c. 28. (Common Lodging Houses Act, 1851); 16 & 17 Vict. c. 41. (Common Lodging Houses Act, 1853):

"Sewage Utilization Acts" means 28 & 29 Vict. c. 75. (The Sewage Utilization Act, 1865); 29 & 30 Vict. c. 90. (The Sanitary Act, 1866); 30 & 31 Vict. c. 113. (The Sewage Utilization Act, 1867); 31 & 32 Vict. c. 115. (The Sanitary Act, 1868); 32 & 33 Vict. c. 100. (The Sanitary Loans Act, 1869); 33 & 34 Vict. c. 53. (The Sanitary Act, 1870):

"Nuisances Removal Acts" means 18 & 19 Vict. c. 121. (The Nuisances Removal Act for England, 1855); 23 & 24 Vict. c. 77. (An Act to amend the Acts for the

Removal of Nuisances and the Prevention of Diseases); 26 & 27 Vict. c. 117. (The Nuisances Removal Act for England (Amendment) Act, 1863); 29 & 30 Vict. c. 41. (The Nuisances Removal Act (No. 1.) 1866); 29 & 30 Vict. c. 90. (The Sanitary Act, 1866):

"Sanitary Acts" means all the above-mentioned Acts and this Act, and includes any enactments of such Acts:

"Sanitary purposes" means any objects or purposes of the Sanitary Acts:

"Sanitary authority" means "urban and rural sanitary authority."

CHAPTER 80.

An Act to enable the Commissioners of Her Majesty's Treasury to pay into the High Court of Chancery in England certain moneys being the amount paid to the Paymaster General on account of Her Majesty's Treasury in respect of the non-completion of the railway authorised by "The Kensington Station and North and South London Junction Railway Act, 1859."

[10th August 1872.]

WHEREAS by "The Kensington Station and North and South London Junction Railway Act, 1859," herein-after called the recited Act, the Kensington Station and North and South London Junction Railway Company, herein-after called "the company," was incorporated, with powers to make and maintain a railway from near Lillie Bridge in the parish of Saint Mary Abbott's, Kensington, to a point in the same parish on the west side of Love Lane, the object being by connecting the said railway with the then proposed extension of the West London Railway, to facilitate communication between divers railways south of the Thames and the western districts of the metropolis, and for other purposes:

And whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the session of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of five thousand seven hundred and sixty pounds, being eight pounds per centum on the estimate of the expense of the railway authorised by the recited Act, was deposited with the Court of Chancery in England in respect of the application to Parliament for the Act:

And whereas in pursuance of the twenty-fifth section of the recited Act that sum of five thousand seven hundred and sixty pounds was released upon a bond being executed to Her Majesty, her heirs and successors, by the company and by Samuel Gurney, then of Prince's Gate, in the county of Middlesex, a member of the firm of Overend, Gurney, and Company, and who in this acted as surety for the Company in the penal sum of eleven thousand five hundred and twenty pounds, conditioned to be void if the railway was opened for the conveyance of passengers within the time limited by the recited Act, or if it should be proved to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the company had paid up and expended for the purposes of their Act one half of the amount of their authorised share capital, or if the Company should pay to Her Majesty, her heirs or successors, the full sum of five thousand seven hundred and sixty pounds.

And whereas no steps were taken to construct the railway mentioned in the recited Act, and the objects sought to be accomplished have, by the projection and subsequent sanction by Parliament of the Metropolitan District Railway, which has been constructed and is now open for public traffic, been more completely effected:

And whereas the powers granted by the recited Act expired on the thirteenth day of August one thousand eight hundred and sixty-two:

And whereas the bond to Her Majesty, her heirs and successors, so executed by the company and the said Samuel Gurney, was on the third day of July one thousand eight hundred and sixty-one registered by the officers of the Crown at the Common Pleas, and thus constituted an obligation affecting his estates: