4TH SCH. *-cont.*

PART III.

CONSEQUENTIAL AMENDMENTS OF INSURANCE ACT COMING INTO OPERATION ON THE APPOINTED DAY.

Enactment to be amended.	Amendment.
Section 3 (3) -	" Sixty-five years " shall be substituted for " seventy years."
Section 7 (3) -	" Sixty-five years " shall be substituted for " seventy years."
Section 12 -	Subsection (2) shall be repealed.
Section 13 (8)	" Sixty-five years " shall be substituted for " seventy years."
Section 69 (3)	" Sixty-five years " shall be substituted for " seventy years."

CHAPTER 71.

An Act to amend the Public Health Acts, 1875 to 1907, and the Baths and Washhouses Acts, 1846 to 1899, in respect of matters for which provision is commonly made in local Acts and for other purposes relating to the public health.

[7th August 1925.]

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:—

PART I.

PRELIMINARY.

Short title, construction and commencement.

1.—(1) This Act may be cited as the Public Health Act, 1925.

(2) Parts I. to VIII. of this Act and the Public Health Acts, 1875 to 1907, may be cited together as the Public Health Acts, 1875 to 1925, and the Baths and Washhouses Acts, 1846 to 1899, and Part IX. of this Act may be cited together as the Baths and Washhouses Acts, 1846 to 1925.

(3) Parts I. to VIII. of this Act shall be construed as one with the Public Health Acts, 1875 to 1907, and

Part IX. of this Act shall be construed as one with the Baths and Washhouses Acts, 1846 to 1899.

(4) The expression "the commencement of this section," when used in any provision in Parts II. to V. of this Act, means the date on which that section comes into operation within the district of the local authority by virtue of an adoption of that provision, or of an order of the Minister of Health.

(5) This Act shall come into operation on the expiration of one month after the passing thereof.

Extent of Act.

2.—(1) This Act shall not apply to Scotland or Northern Ireland, or, save as expressly provided in this Act, to the administrative county of London.

(2) Parts II., III., IV. and V. of this Act are adoptive, and shall extend, in so far as they may be adopted, to any district for which they are adopted in accordance with the provisions of this Act:

Provided that, where powers are conferred on a county council by any section in Part II. of this Act those powers may be exercised by the council without an adoption by them of the provisions of that section.

(3) Part VI. of this Act shall extend to any area in which Part VI. of the Public Health Acts Amendment Act, 1907, is in force at the commencement of this Act, and may be applied to any district by an order of the Minister of Health in the same manner as Part VI. of the said Act of 1907 may be applied.

7 Edw. 7. c. 53.

(4) Part IX. of this Act shall extend to England and Wales inclusive of the administrative county of London.

Adoption by urban authorities of Parts II. to V.

3. Any urban authority may adopt all or any of the sections contained in Parts II., III., IV. and V. of this Act:

Provided that, where the district contains, according to the last published census for the time being, a population of less than twenty thousand, the adoption by the council of that district of

(*a*) those provisions in Parts II. and III. of this Act which are mentioned in the First Schedule to this Act ; or

(*b*) any provision in Part V. of this Act ;

shall not take effect until the consent of the Minister of Health has been obtained thereto, and such consent

may be given by an order of the Minister and subject to such modifications, conditions or restrictions as may appear to him to be necessary or desirable.

Application of Parts II. to V. in rural districts.

4.—(1) A rural district council may adopt all or any of the provisions of Parts II., III. and IV. of this Act, except the sections in Parts II. and III. of this Act which are mentioned in the Second Schedule to this Act.

(2) The Minister of Health may by order apply to any rural district, or contributory place therein, any provision in Parts II. to V. or Part VIII. of this Act, in the same manner as provisions of the Public Health Act, 1875, which apply to urban districts, may be applied to rural districts, or contributory places therein, and section two hundred and seventy-six of that Act shall be extended accordingly.

38 & 39 Vict. c. 55.

(3) Before any application is made to the Minister of Health for an order under this section, notice of the intended application, specifying the provisions of this Act in respect of which an order is desired, shall be inserted by the applicants for the order once at least in one or more of the newspapers circulating within the area to which the application relates in each of two successive weeks.

Mode of adoption by local authorities.

5.—(1) The adoption by a local authority of all or any of the provisions of Parts II. to V. of this Act shall be by a resolution of the local authority passed in accordance with the provisions contained in the Third Schedule to this Act, and upon a resolution of adoption coming into operation the provisions of this Act to which it extends shall apply to the district of the local authority.

(2) A copy of a resolution passed by a local authority adopting any provision of this Act, certified as a true copy under the hand of the clerk to the local authority, shall be received as evidence in all legal proceedings of the resolution having been passed by the local authority.

Amendment or adaptation of local Acts, &c.

6. The Minister of Health may, by order made on the application of any local authority, make such amendments or adaptations of any local Act as may appear to him to be necessary for the purpose of bringing the provisions of that Act into conformity with the provisions of this Act, and any order so made shall operate as if enacted in this Act.

Application of certain provisions of Part I. of 7 Edw. VII. c. 53, and interpretation.

7.—(1) The provisions of Part I. of the Public Health Acts Amendment Act, 1907, which are specified in the Fourth Schedule to this Act, shall, as amended by any subsequent enactment, apply for the purposes of this Act, with the substitution of references to this Act for the references therein to that Act.

(2) In this Act the expression "local Act" includes an Act for the confirmation of a provisional order and the order thereby confirmed.

(3) In this Act the expression "statutory undertakers" means any person authorised by Parliament to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking.

Appeals to petty sessional court.

8. Where any enactment in this Act provides for an appeal to a petty sessional court against a notice, determination, requirement, order or intended order of a local authority under this Act—

(1) Notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the clerk to the local authority;

(2) The court may make such order in the matter as they consider reasonable, and may award costs to be recoverable as a civil debt;

(3) No proceeding shall be taken by the local authority, or work executed, until after the determination or abandonment of the appeal;

(4) Notice of the right of appeal shall be endorsed on the order of the local authority and on any notice communicating their determination, requirement or intended order.

Repeals.

9.—(1) As from the date on which a scale of charges is authorised by a local authority in accordance with the provisions of Part IX. of this Act, the enactments set out in Part I. of the Fifth Schedule to this Act shall cease to have effect so far as relates to the area of that authority to the extent mentioned in the third column of that Part of that Schedule.

(2) The enactments set out in Part II. of the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Part of that Schedule.

Crown rights.

10. Without prejudice to the generality of the provisions of section twelve of the Public Health Acts

Amendment Act, 1907, nothing in this Act shall affect any privilege of the Postmaster-General under the Telegraph Act, 1869, or any works or apparatus belonging to him, or any power conferred on the Minister of Transport by the London Traffic Act, 1924. 32 & 33 Vict. c. 73. 14 & 15 Geo. 5. c. 34.

11. Nothing in this Act shall prejudice or affect the powers of any railway company or the owners, trustees, or conservators, acting under powers conferred by Parliament, of any canal, inland navigation, dock, or harbour, under any enactment to culvert or cover in any stream or watercourse, or shall extend to any culvert or covering of a stream or watercourse constructed by a railway company or by any such body of persons, and used for the purposes of the railway, canal, inland navigation, dock, or harbour, unless the consent of such company or persons is obtained by the local authority. Saving for culverts, &c. of railway companies, &c.

12. The powers conferred by Part V. of this Act shall not, without the written consent of the London County Council, be exercised with respect to any stream, watercourse, ditch, or culvert which, by the Metropolis Management Act, 1855, is vested in that Council as a sewer. Saving for streams, &c. vested in London County Council. 18 & 19 Vict. c. 120.

PART II.

STREETS AND BUILDINGS.

Street Bins, Drinking Fountains, Fire Alarms, &c.

13.—(1) The local authority may provide and maintain in or under any street, orderly bins or other receptacles, of such dimensions and in such position as the local authority may from time to time determine, for the collection and temporary deposit of street refuse and waste paper, or the storage of sand, cinders, grit or shingle. Street bins.

(2) Nothing in this section shall be taken as empowering the local authority to hinder the reasonable use of the street by the public or any person entitled to use the same, or as empowering the local authority to exercise their powers under this section in such a way as to create a nuisance to any adjacent owner or occupier.

14. The local authority and any person with their consent and subject to such conditions as they may impose may, in proper and convenient situations in any street or public place, erect and maintain seats and Public drinking fountains, seats, &c. in streets.

drinking fountains for the use of the public and troughs for watering horses or cattle.

Fire alarms.

15.—(1) The local authority may erect or fix and maintain fire alarms, in such positions in any street or public place as they think proper, after consultation with the police authority for the police district in which the fire alarms are to be erected or fixed.

(2) In this section the expression "police district" means any district for which there is a separate police force.

Main roads and premises of statutory undertakers.

16.—(1) The powers conferred on the local authority by the foregoing sections of this Part of this Act shall not be exercised in relation to any street which is a main road maintained by a county council, without the consent of the county council or so as to obstruct or render less convenient the access to or exit from any station or goods yard belonging to a railway company, or any premises belonging to other statutory undertakers and used for the purposes of their undertaking, nor shall the local authority place any street bin on any bridge carrying any street or road over a railway or under any bridge carrying a railway over any street or within ten feet of the abutments of any such bridge without the consent of the proprietors of such railway.

(2) This section shall extend to any area in which any of the foregoing sections in this Part of this Act may be in force.

Naming of Streets.

Notice to urban authority before street is named.

17.—(1) Before any street is given a name, notice of the proposed name shall be sent to the urban authority by the person proposing to name the street.

(2) The urban authority, within one month after the receipt of such notice, may, by notice in writing served on the person by whom notice of the proposed name of the street was sent, object to the proposed name.

(3) It shall not be lawful to set up in any street an inscription of the name thereof—

(*a*) until the expiration of one month after notice of the proposed name has been sent to the urban authority under this section; and

(*b*) where the urban authority have objected to the proposed name, unless and until such objection has been withdrawn by the urban authority or overruled on appeal;

and any person acting in contravention of this provision shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) Where the urban authority serve a notice of objection under this section, the person proposing to name the street may, within twenty-one days after the service of the notice, appeal against the objection to a petty sessional court.

Alteration of name of street.

18.—(1) The urban authority by order may alter the name of any street, or part of a street, or may assign a name to any street, or part of a street, to which a name has not been given.

(2) Not less than one month before making an order under this section, the urban authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.

(3) Every such notice shall contain a statement that the intended order may be made by the urban authority on or at any time after the day named in the notice, and that an appeal will lie under this Act to a petty sessional court against the intended order at the instance of any person aggrieved.

(4) Any person aggrieved by the intended order of the local authority may, within twenty-one days after the posting of the notice, appeal to a petty sessional court.

(5) Upon the commencement of this section, section twenty-one of the Public Health Acts Amendment Act, 1907, shall cease to have effect, as respects any area in which this section is in force.

Indication of name of street.

19.—(1) The urban authority shall cause the name of every street to be painted, or otherwise marked, in a conspicuous position on any house, building or erection in or near the street, and shall from time to time alter or renew such inscription of the name of any street, if and when the name of the street is altered or the inscription becomes illegible.

(2) If any person destroys, pulls down or defaces any inscription of the name of a street which has lawfully been set up, or sets up in any street any name different from the name lawfully given to the street, or places or affixes any notice or advertisement within twelve

inches of any name of a street marked on a house, building, or erection in pursuance of this section, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Upon the commencement of this section, so much of section one hundred and sixty of the Public Health Act, 1875, as incorporates with that Act the provisions of the Towns Improvement Clauses Act, 1847, with respect to naming the streets, shall cease to have effect within any area in which this section is in force.

10 & 11 Vict. c. 34.

Surface Drainage of Courts, Streets, &c.

Courts, &c. to be paved and drained.

20.—(1) Section twenty-five of the Public Health Acts Amendment Act, 1907 (which provides for the execution of works for the effectual drainage of the subsoil or surface of a yard, in connection with and exclusively belonging to a dwelling-house) shall extend to any court, yard or passage (not being a highway repairable by the inhabitants at large) which is used in common by the occupiers of two or more dwelling-houses, whether such dwelling-houses belong to the same or different owners.

(2) Where under the said section, as extended by this section, the local authority have executed works on the default of the owners of dwelling-houses and the dwelling-houses belong to different owners, the expenses incurred by the local authority in the execution of the works shall be apportioned between the owners in such shares as may be determined by the surveyor, or (in case of dispute) by a court of summary jurisdiction, and in default of payment any share so apportioned may be recovered summarily as a civil debt from the owner on whom it is apportioned.

(3) Upon the commencement of this section, any byelaws made by the local authority under section twenty-three of the Public Health Acts Amendment Act, 1890, with respect to the paving of yards and open spaces in connection with dwelling-houses, shall cease to have effect in any area in which this section comes into force.

53 & 54 Vict. c. 59.

Prevention of water flowing on footpath.

21.—(1) The owner of any premises abutting on a street within an urban district shall, within twenty-eight days after the service of a notice in writing by the urban authority requiring him so to do, execute and thereafter maintain such down-pipes, channels or gutters as may

be necessary to prevent, so far as is reasonably practicable, surface water from the premises flowing on to, or over, the footpath of the street, and if he fails to do so he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) The provisions of this section shall be in addition to and not in derogation of the provisions of section seventy-four of the Towns Improvement Clauses Act, 1847.

For preventing soil, &c. from being washed into streets.

22.—(1) The urban authority may give notice to the owner or occupier of any lands abutting upon any street within their district which is repairable by the inhabitants at large, requiring him, within twenty-eight days after the service of the notice, so to fence off, channel or embank the lands as to prevent soil or refuse from such lands from falling upon, or being washed or carried into the street, or into any sewer or gully therein, in such quantities as will obstruct the highway or choke up such sewer or gully.

(2) Any person to whom a notice under this section is addressed who shall fail, within twenty-eight days after the service of the notice, to execute the works therein specified shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Obstructions, &c. to Persons using Streets.

Lopping of trees overhanging highways.

23.—(1) 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 endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles, the local authority 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 or cut the tree, hedge or shrub within fourteen days so as to prevent such obstruction or interference, and in default of compliance the local authority may themselves carry out the requisition of their notice, doing no unnecessary damage, and may recover summarily as a civil debt the cost from the owner or occupier upon whom the notice was served.

(2) The powers conferred on the local authority by this section shall, as respects any main road maintained

by a county council, be exercisable by the county council instead of by the local authority, and any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

(3) Any person aggrieved by any requirement of the local authority or county council under this section may appeal to a petty sessional court within fourteen days after the service of such notice.

Projections against or in front of houses or buildings.

24. Any projection erected or placed against or in front of any house or building, which by reason of being insecurely fixed or of defective construction or otherwise, is a source of danger to persons lawfully using a street within an urban district, shall, for the purposes of sections sixty-nine and seventy of the Towns Improvement Clauses Act, 1847, as incorporated with the Public Health Act, 1875, be deemed to be an obstruction to the safe or convenient passage along the street, and those sections, including the penal provisions thereof, shall apply accordingly.

Restriction on placing rails, beams, &c. over streets.

25.—(1) It shall not be lawful for any person to fix or place any overhead rail, beam, pipe, cable, wire or other similar apparatus over, along, or across any street, without the consent of the local authority, and any such consent shall be in writing under the hand of the clerk, and may contain such reasonable terms and conditions as the local authority think fit.

(2) Any person acting in contravention of the provisions of this section, or of the terms and conditions (if any) of such consent, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Nothing in this section shall extend to any works or apparatus belonging to any statutory undertakers.

(4) Upon the commencement of this section Part II. of the Public Health Acts Amendment Act, 1890, shall cease to have effect as respects any area in which this section is in force, but any byelaws made by the local authority under that Part of that Act shall nevertheless remain in force as respects that area until revoked by a resolution of the local authority.

Byelaws as to wires, &c. connected with

26.—(1) The local authority may make byelaws for the prevention of danger or obstruction to persons using any street or public place from posts, wires,

tubes, aerials or any other apparatus, in connection with or for the purposes of wireless telegraphy or telephony installations, stretched or placed, whether before or after the commencement of this section, on or over any premises and liable to fall on to any street or public place. wireless installations.

In this section the expression "public place" includes any public park or garden, and any ground to which the public have or are permitted to have access, whether on payment or otherwise.

(2) Nothing in any byelaws made under this section shall extend to any apparatus belonging to any statutory undertakers.

Bridges over or in Streets.

27.—(1) The local authority may grant to the owner or occupier of any premises abutting upon any street a licence to construct and use a way by means of a bridge over that street for such period and on such terms and conditions as to the local authority may seem fit: Power to grant licences for bridges over streets.

Provided that—

(*a*) No fine, rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of the licence:

(*b*) The licence shall not authorise any interference with the convenience of persons using the street, or affect the rights of the owners of the property abutting on the street or the rights of any tramway, railway, dock, harbour or electricity undertakers acting under powers conferred by Parliament:

(*c*) It shall be a condition of every such licence that the owner of the premises, or if the licence is granted to the occupier, the occupier shall, at the request of the local authority and at his own expense, remove or alter such bridge in such manner as the local authority require, in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to the street at any time, and the decision of the local authority that such

removal or alteration is necessary or desirable shall be final and conclusive, and this condition may be enforced by the local authority against the owner for the time being of the premises:

41 & 42 Vict. c. 76.

(*d*) For the purposes of section seven of the Telegraph Act, 1878, any work authorised or required by a licence under this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament, and for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts, 1863 to 1925, a bridge constructed or used in accordance with a licence under this section shall be deemed to be part of any street or road which it crosses.

(2) If any person (except in the exercise of statutory powers) constructs a bridge over any street without such licence, or constructs or uses a bridge otherwise than in accordance with the terms and conditions of the licence, or fails to remove or alter a bridge when required so to do under this section, or fails to remove a bridge in accordance with a term or condition of the licence or within one month after the expiration of the licence, he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Erection of bridge forming part of new street.

28.—(1) No person (except in the exercise of statutory powers) shall construct a bridge to carry a new street unless the bridge and its approaches are of such width and gradients as are approved by the local authority, and are constructed in accordance with specifications, plans and sections so approved.

(2) If any person acts in contravention of this section he shall be liable to a penalty not exceeding twenty pounds, and the local authority may remove, alter or pull down any work begun or done in contravention of this section, and may recover the expenses incurred by them in so doing from such person in a summary manner as a civil debt.

(3) The requirements of this section shall be in substitution for the requirements of any byelaws of the local authority applying to bridges and made before the commencement of this section.

New Streets.

Continuation of existing street.

29. A street may be deemed to be a new street for the purpose of the application of any byelaws of the local authority with respect to new streets, or of any provision in a local Act with respect to the width of new streets notwithstanding that it is a continuation of an existing street.

Declaration of street as a new street.

30.—(1) Where it appears to the local authority that the whole or any portion of an existing highway will be converted into a new street as a consequence of building operations which have been, or are likely to be, undertaken in the vicinity, the local authority may by order declare such highway, or such portion thereof as may be specified in the order, to be a new street for the purpose of the application thereto of their byelaws with respect to new streets or of any provision in a local Act with respect to the width of new streets.

(2) Not less than one month before making an order under this section, the local authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.

(3) Every such notice shall contain a statement that the intended order may be made by the local authority on or at any time after the day named in the notice, and that an appeal to quarter sessions will lie under this Act against the order at the instance of any person aggrieved.

(4) Upon an order under this section coming into operation any person who shall commence to erect a new building upon land abutting on or adjoining the highway, or portion of the highway, by the order declared to be a new street, shall, in relation to that land, be deemed to be laying out a new street within the meaning of the byelaws of the local authority with respect to new streets, or of any provision in a local Act with respect to the width of new streets.

(5) Nothing in this section shall extend to a building (other than a dwelling-house) erected by a railway company in the exercise of their statutory powers and occupied or used for the purposes of their railway, or erected by the owners, trustees or conservators, acting under powers conferred by Parliament, of any canal,

inland navigation, dock or harbour, and occupied or used for the purposes of the canal, inland navigation, dock or harbour.

Width of streets in certain cases.

31.—(1) Whenever application shall be made to the local authority to approve the plans of a new street, in pursuance of any byelaw or enactment requiring a plan to be submitted to the local authority, and such new street in the opinion of the local authority will form—

(*a*) a main thoroughfare or a continuation of a main thoroughfare, or means of communication between main thoroughfares in their district; or

(*b*) a continuation of a main approach, or means of communication between main approaches, to their district;

the local authority may, as a condition of their approval, require that the new street shall be formed of such width as they may determine:

Provided that, if such width exceeds by more than twenty feet the maximum width prescribed for a new street by any byelaw or enactment with respect to the width of new streets which may be in force in the area, the local authority shall make compensation for any loss or damage which may be sustained by reason of the street being required to be a width greater than twenty feet in excess of such maximum width.

(2) The amount of such compensation shall, in default of agreement, be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, but in estimating the amount of any such compensation, the benefits accruing to the person to whom the same shall be payable by reason of the widening of the street, shall be fairly estimated and shall be set off against the compensation.

9 & 10 Geo. 5. c. 57.

(3) Nothing in this section shall empower the local authority to require any person to defray any greater expense in the execution of any street works than would have been payable, if the street had been of no greater width than the width prescribed as aforesaid by any byelaw or enactment, and the additional expense incurred in the execution of street works by reason of the street being of such greater width, shall be certified by the surveyor, or in case of dispute shall be determined by a

petty sessional court, and shall be borne by the local authority.

(4) The local authority shall determine in any case to which this section applies the proportion of the width of any such new street to be laid out as a carriageway, or as a footway or footways, and any such new street shall be formed accordingly.

Width of street where buildings erected on one side of street.

32.—(1) Where an owner proposes to lay out a new street upon land which adjoins or abuts on an existing highway, and buildings have been or are about to be erected on one side only of that highway, the local authority, in any case in which they are empowered to require such owner to widen the existing highway to the width prescribed for a new street by any byelaw or enactment with respect to the width of new streets (which width is in this section referred to as "the prescribed width") may, instead of requiring the existing highway to be widened to the prescribed width, by order permit such owner to widen the highway to such less width as may be specified in the order, so, however, that the distance between the centre line of the existing highway and the boundary (as extended) of the highway on the side adjoining the land of such owner shall not be less than one-half of the prescribed width.

(2) Notwithstanding anything in section seven of the Public Health Acts Amendment Act, 1907, as applied by this Act, an appeal shall not lie to a court of quarter sessions against the withholding or refusal by the local authority of an order under this section.

(3) Not less than twenty-one days before the local authority make an order under this section, notice of the proposed order shall be sent by the local authority to the owner of the land to which the order will relate, and to any owner of land which adjoins or abuts on the other side of the existing highway opposite the land to which the order will relate.

(4) If and when building shall commence on the land last mentioned, the owner of that land shall complete the widening of the existing highway to the prescribed width, and if he fails to do so, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that this subsection shall not impose on any such owner an obligation to pull down any building

erected before the date of the order of the local authority under this section.

Street Improvements.

Power to prescribe improvement line for widening streets.

33.—(1) Where in the opinion of the local authority—

(*a*) any street repairable by the inhabitants at large is narrow or inconvenient, or without any sufficiently regular boundary line; or

(*b*) it is necessary or desirable that such street shall be widened;

the local authority may prescribe in relation to either side of the street, or at or within a distance of fifteen yards from any street corner, the line to which the street shall be widened (in this section called "the improvement line").

(2) Any improvement line which the local authority propose to prescribe shall be marked and shown on a plan (in this section called "the improvement plan") to be signed by the clerk, and the plan shall be deposited at the offices of the local authority, and shall be open, during ordinary office hours, for a period of one month after its deposit, to inspection, free of charge, by any person interested.

(3) Upon the deposit of the improvement plan, the local authority shall give notice in writing of such deposit, and of the liabilities imposed by this section, to every occupier and owner of land interested, whose name and address can be reasonably ascertained by them, and where the name and address cannot after diligent inquiry be ascertained by them, by affixing the notice to the premises.

(4) The local authority shall consider any objection made to a proposed improvement line, and not less than six weeks after the date on which notice of the deposit of the improvement plan was given to owners and occupiers, the authority may by resolution prescribe an improvement line, and the line so prescribed shall be shown on a plan duly sealed and authenticated and shall be the improvement line for the purposes of this section.

(5) No new building, erection or excavation shall, after an improvement line has been prescribed, be placed or made nearer to the centre line of the street than the

improvement line, except with the consent of the local authority, which consent may be given for such period and subject to such terms and conditions as they may deem expedient:

Provided that the foregoing prohibition shall not affect any right of statutory undertakers to make any excavation for the purpose of laying, altering, maintaining, repairing or renewing any main, pipe, electric line, cable, duct or other work or apparatus.

(6) Any person whose property is injuriously affected by the prescribing of an improvement line shall be entitled to obtain compensation in respect of such injurious affection from the local authority:

Provided that a person shall not be entitled to obtain compensation on account of any building erected, or contract made or other thing done after the date of the deposit under this section of the improvement plan, not being work done for the purpose of finishing a building begun or of carrying out a contract entered into before that date.

(7) The amount of such compensation shall, in default of agreement, be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that, in determining the amount of such compensation, the arbitrator may take into account and embody in his award any undertaking with regard to the exercise of their powers under this section in relation to the property affected, which the local authority have offered to give to the claimant, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the local authority.

(8) The local authority may purchase any land not occupied by buildings, lying between the improvement line and the boundary of the street, or any interest in such land, and the provisions of the Lands Clauses Acts, including the provisions with respect to the purchase and taking of lands otherwise than by agreement, except sections ninety-two and one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, shall extend to such land or interest in land. 8 & 9 Vict. c. 18.

(9) Any land purchased under the preceding subsection shall be added to the street, and until the land is so added, the occupier of the land from which it is

severed, and other persons with his permission, shall be entitled to reasonable access across the land so purchased to and from the street, and shall have the same rights in regard to the laying, altering, maintaining, repairing and renewing of drains, mains, pipes or electric lines in such land as if the same were part of the street.

(10) In the assessment of compensation for injurious affection, or in respect of a purchase of land, under this section, the benefits accruing to the person to whom the same shall be payable, by reason of the widening or improvement of the street, shall be fairly estimated and shall be set off against the compensation.

(11) Any compensation for injurious affection payable by a local authority under the foregoing provisions of this section may be recovered summarily as a civil debt.

(12) If after an improvement line has been prescribed by the local authority, any person offends against the provisions of this section, he shall, without prejudice to any other proceedings which may be available against him, be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(13) Nothing in this section contained shall apply to or affect—

(*a*) any property occupied or used by a railway company for the purposes of their railway without the consent of the company; or

(*b*) any property vested in the owners, trustees or conservators, acting under powers conferred upon them by Parliament, of any canal, inland navigation, dock or harbour, and used for the purposes of the canal, inland navigation, dock or harbour, unless the consent of such persons is obtained by the local authority; or

(*c*) any land specifically authorised by Parliament to be used for the manufacture or storage of gas, the generation of electricity, or as a pumping station or reservoir for water, unless the consent of the undertakers is obtained by the local authority:

Provided that any consent required by this subsection shall not be unreasonably withheld, and any

question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Health.

Extension to county councils of preceding section.

34.—(1) The powers conferred on the local authority by the last preceding section may be exercised by the county council as respects any main road maintained by the county council, and in relation to any main road so maintained the provisions of that section shall have effect with the substitution of the county council for the local authority:

Provided that the county council shall consult the district council before the preparation by them of an improvement plan with respect to any main road maintained by the county council.

(2) The county council may contribute towards expenses incurred under the last preceding section by the local authority of any district within their area.

(3) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes, and money may be borrowed by a county council for the purposes of this section subject to and in accordance with the provisions of the Local Government Act, 1888. 51 & 52 Vict. c. 41.

Private Street Works.

Power to vary width of carriageway and footway on making up private street. 55 & 56 Vict. c. 57.

35. Upon the exercise by an urban authority of the powers of section one hundred and fifty of the Public Health Act, 1875, or of the Private Street Works Act, 1892, as the case may be, in relation to any street, the urban authority shall have power to require a variation of the relative widths of the carriageway and footway or footways of the street:

Provided that no greater charge shall be imposed on a frontager by reason of any such variation than could have been imposed in respect of a carriageway or footway of the width prescribed for a new street of the same class by any byelaw or enactment with respect to the width of new streets which applied to the street when it was laid out, and any sum in excess of that charge shall be borne by the urban authority.

PART III.

SANITARY PROVISIONS.

Reconstruction of drains.

36. Where any person has been convicted of causing a drain to be constructed in contravention of section twenty-five of the Public Health Act, 1875, the court may, in addition to or in lieu of imposing a penalty under that section, order that the drain shall be laid, relaid, amended or remade by him, as the case may require, in accordance with the provisions of the said section, and if he does not comply with the order within the time limited by the order for the purpose, the local authority may cause the drain to be laid, relaid, amended or remade, as the case may require, and may recover in a summary manner as a civil debt from such person the expenses incurred by them in so doing.

Power of local authority to lay drains in private streets.

37. The local authority may, if they think fit, by agreement with and at the expense of any person owning or occupying premises abutting on any street not being a highway repairable by the inhabitants at large, lay down, take up, or relay or renew in, across or along the street, such drains as may be requisite or proper for connecting the premises with any sewer which has been laid in the street, doing as little damage as may be and making compensation for any damage done by them.

Execution by local authority of drainage works.

38.—(1) Where notice is given to the local authority under section twenty-one of the Public Health Act, 1875, by an owner or occupier of premises, of his intention to cause his drains to empty into the sewers of the authority, the local authority shall be entitled, if they think fit, in lieu of appointing under that section a person to superintend the making of the communication between the drain and the sewer, themselves to make the communication.

(2) Before any work is executed by the local authority under this section, the cost, or the estimated cost, of making the communication between the drain and the sewer, shall be paid to the local authority, or security for the payment shall be given to the satisfaction of the local authority.

(3) If any payment made to the local authority under the preceding subsection of this section exceeds the total expense incurred by the local authority in the

execution of the work, the excess shall be repaid by the local authority.

(4) The local authority may recover summarily as a civil debt the total expense incurred by them in the execution of the work, in so far as such expense may not be covered by any payment made to the local authority under the foregoing provisions of this section.

(5) The local authority may by agreement with the owner or occupier of any premises, make, alter or enlarge any drain or sewer, or effect any connection between a drain and sewer, which the owner or occupier is required or desires to make, alter, enlarge or effect.

(6) Upon the commencement of this section, section eighteen of the Public Health Acts Amendment Act, 1890, shall be repealed as respects any area in which this section is in force.

Notice of intention to reconstruct or alter drains.

39.—(1) It shall not be lawful for any person, except in case of emergency, to reconstruct or alter the course of any drain which communicates with a sewer or with a cesspool or any other receptacle for drainage, without giving to the urban authority at least twenty-four hours previous notice in writing of his intention so to do.

(2) Where any such works are executed without notice in a case of emergency, it shall not be lawful for any person to cover over the drain without giving to the urban authority at least twenty-four hours previous notice in writing of his intention so to do.

(3) Free access to the drain or the work of reconstruction or alteration, shall be afforded to the surveyor, or sanitary inspector, or any officer of the urban authority authorised in writing by the urban authority for the purpose of inspection.

(4) Any person who contravenes or fails to comply with the requirements of this section shall for each offence be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall extend to any drain constructed by or belonging to, or which may hereafter be constructed by or belong to, a railway company and situate under, across or along their railway.

(6) Nothing in this section shall extend to any drain which is vested in the owners, trustees or conservators, acting under powers conferred by Parliament, of any dock or harbour.

Power to require specially enlarged sewer in new street.

40. If in any street not repairable by the inhabitants at large, the local authority shall require, for the purpose of main drainage or otherwise, a larger sewer to be made than could lawfully be required by them under any enactment relating to private street works which applies to the street, the person by whom the sewer is made shall construct an enlarged sewer in accordance with the requirements of the local authority, and the additional cost thereof, as certified by the surveyor, or in the case of dispute as determined by a petty sessional court, shall be paid to such person by the local authority.

Prevention of entry of petrol, &c. into sewer.

41.—(1) Every person who wilfully or negligently empties, turns or permits to enter, into any sewer, or any drain communicating with a sewer, any petroleum spirit or carbide of calcium, shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2) In this section the expression "petroleum spirit" means—

(*a*) any crude petroleum;

(*b*) any oil made from petroleum, coal, shale, peat or other bituminous substances; and

(*c*) any products of petroleum and mixtures containing petroleum;

which, when tested in manner set forth in the First Schedule to the Petroleum Act, 1879, gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

42 & 43 Vict. c. 47.

Ventilation of soil pipes.

42. Where it appears to the local authority, on the report of the surveyor or the sanitary inspector, that the soil pipe in connection with a watercloset of a house is not properly ventilated, the watercloset shall not be deemed to be a sufficient watercloset for the purposes of section thirty-six of the Public Health Act, 1875.

Nuisance caused by occupation of tents, vans, &c.

48 & 49 Vict. c. 72.

43.—(1) Subsection (1) of section nine of the Housing of the Working Classes Act, 1885 (which relates to tents, vans, sheds and similar structures used for human habitation), shall extend to any tent, van, shed or similar structure, which is used for human habitation in such a way as to be a nuisance or injurious to health, or to cause a nuisance or give rise to conditions injurious to health.

(2) The powers of the court under section ninety-six of the Public Health Act, 1875, to make orders dealing with nuisances shall, in the case of a nuisance caused by or in connection with a tent, van, shed, or similar structure used for human habitation, include power to prohibit the use of the structure for human habitation at such places or within such area as may be specified in the order.

(3) On any proceedings for the recovery of a penalty for the contravention of byelaws made under subsection (2) of section nine of the Housing of the Working Classes Act, 1885, the court, in addition to or instead of inflicting a penalty, may make an order prohibiting the use for human habitation of the tent, van, shed or other structure, in connection with which the contravention occurred, at such places or within such area as may be specified in the order.

Establishment of offensive trade or business.

44.—(1) In the application to an urban district of any provisions of the Public Health Acts, 1875 to 1907, with respect to the establishment of an offensive trade, or with respect to an offensive trade established before or after a specified time, and of any byelaws made under those provisions, a trade shall be deemed to be established not only when it is established in the first instance, but also if and when—

(*a*) it is transferred or extended from the premises on which it is for the time being carried on to other premises; or

(*b*) it is resumed on any premises on which it was previously carried on, after it has been discontinued for more than six months; or

(*c*) the premises on which it is carried on are enlarged;

but a change in the ownership or occupation of the premises on which a trade is carried on, or the rebuilding of such premises when they have been wholly or partially pulled down or burnt down, without any extension of the area, shall not be deemed to be an establishment of the business for the purposes aforesaid.

(2) Any consent of the urban authority under section one hundred and twelve of the Public Health Act, 1875, to the establishment of an offensive trade, may be given so as to authorise the carrying on of the trade for a limited period specified in the consent, and for such

extension thereof as may from time to time be granted by the local authority, and any person carrying on the trade after the expiration of the period so specified, or any such extension thereof, as the case may be, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART IV.

VERMINOUS PREMISES, &C.

Verminous articles.

45.—(1) If it appears to the local authority, on the certificate of the medical officer or sanitary inspector, that any articles in any premises used for human habitation in the district are infested with vermin, or by reason of their having been used by, or having been in contact with, any person infested with vermin, are likely to be so infested, the local authority at their expense may cause such articles to be cleansed, disinfected or destroyed, and if necessary for that purpose to be removed from the premises.

(2) Where a person sustains damage by reason of the exercise by the local authority of their powers under this section, and the condition of the article with respect to which those powers have been exercised is not attributable to his act or default, the local authority shall make reasonable compensation to that person.

Verminous houses.

46.—(1) If it appears to the local authority, on the certificate of the medical officer or sanitary inspector, that any premises used for human habitation in the district are infested with vermin, the local authority may give written notice to the occupier of the premises, or if the premises be vacant to the owner of the premises, requiring him within a period specified in the notice to cleanse the premises, and the notice may require, among other things, the removal of wallpaper or other covering on the walls, and the taking of such other steps as the local authority may require for the purpose of destroying or removing vermin:

Provided that, where any work required by the notice is work for which the owner of the premises is under the tenancy responsible, the notice requiring the work to be performed may be given by the local authority to the owner of the premises.

(2) If the person on whom a notice under this section is served fails within the period specified in the notice to comply with the requirements thereof, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings, and the local authority may, after the expiration of the said period, themselves carry out the work required by the notice, and recover the reasonable costs and expenses incurred by them in a summary manner from that person.

(3) If any person, upon whom a notice is served under this section, deems himself aggrieved by the requirements of the notice, he may within fourteen days after the service of the notice, appeal to a petty sessional court, and any order made by the court shall be binding and conclusive on all parties.

Powers of officers of local authority, &c.

47. Sections one hundred and two and one hundred and three of the Public Health Act, 1875 (which relate respectively to the power of entry by a local authority in case of nuisances, and the penalty for disobedience to an order for admission to premises), shall apply and have effect as if references therein to nuisances included references to articles and premises infested, or suspected of being infested, with vermin, and as if references to that Act included references to this Part of this Act.

Cleansing of verminous persons.

48.—(1) Upon the application of any person, the local authority may, if they think fit, take such measures as may, in their opinion, be necessary to free that person and his clothing from vermin.

(2) Where it appears to the local authority, on a report from the medical officer, that any person, or the clothing of any person, is infested with vermin and that person consents to be removed to a cleansing station, the local authority may cause him to be removed to such station, and, if he does not so consent, then a petty sessional court, if satisfied on the application of the local authority that it is necessary that he or his clothing should be cleansed, may make an order for his removal to a cleansing station and for his detention therein for such period and subject to such conditions as may be specified in the order.

(3) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection, the local authority shall take such measures as may, in their

opinion, be necessary to free him and his clothing from vermin.

(4) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen years, be given on his behalf by his parent or guardian.

(5) The cleansing of females under this section shall be effected only by a registered medical practitioner, or by a woman duly authorised by the medical officer.

(6) No charge shall be made by the local authority in respect of the cleansing of a person, or of his removal to or his maintenance in a cleansing station under this section; and such cleansing, removal and maintenance shall not be considered to be parochial relief or charitable allowance to the person cleansed, removed or maintained, or to the parent of such person, and neither he nor his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disqualification or disability.

(7) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(8) Upon the commencement of this section, the local authority shall cease to be the local authority for the purpose of the Cleansing of Persons Act, 1897, and any buildings, appliances or attendants provided under that Act by the local authority shall be treated as having been provided by that authority under the Public Health Acts, 1875 to 1907.

60 & 61 Vict. c. 31.

(9) The powers conferred on the local authority by this section shall be in addition to, and not in derogation of, any power in relation to the cleansing of children that may be exercisable by them as local education authority.

Provision of cleansing stations, &c., and expenses.

49.—(1) The local authority may provide such cleansing stations, apparatus and attendants, as may be necessary for the exercise of their powers under this Part of this Act, and may contract with any other local authority or person for the provision of such cleansing stations, apparatus or attendants.

(2) Any two or more local authorities may by agreement combine for any of the purposes of this Part of this Act, and the agreement may provide for the

appointment of a joint committee, for the apportionment of expenses, and for any other matters which may be necessary for carrying the combination into effect.

Definitions of "premises," "vermin," and "verminous."

50. In this Part of this Act unless the context otherwise requires—

The expression "premises" includes any tent, van, shed or similar structure used for human habitation, and any boat used for the like purpose lying in any river, harbour, dock, canal or other water within the district and not within a port sanitary district;

The expression "vermin," in its application to insects and parasites, includes their eggs, larvæ and pupæ, and the expression "verminous" shall be construed accordingly.

PART V.

WATERCOURSES, STREAMS, &C.

Power to require covering in of watercourses and ditches.

51.—(1) If any watercourse or ditch, situated upon land laid out for building or on which any land laid out for building abuts, requires in the opinion of the urban authority to be wholly or partially filled up or covered over, the urban authority may by notice in writing require the owner of the land, before any building operations are begun or proceeded with, to execute such works as may in their opinion be necessary for effecting the objects aforesaid, or for substituting for the watercourse or ditch, a pipe, drain or culvert with all necessary gullies, pipes and means of conveying surface water through the same.

(2) Any person who fails to comply with a requirement of the urban authority under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall authorise an urban authority to require the execution of works upon the land of any person, other than the owner of the land laid out for building, without the consent of that person, or prejudicially to affect the rights of any person not being the owner of the land so laid out.

Streams not to be culverted or covered over

52.—(1) It shall not be lawful within an urban district to culvert or cover over any stream or watercourse, except in accordance with plans and sections to

except in accordance with plans.

be submitted to and approved by the urban authority, such approval not to be unreasonably withheld, and if the urban authority, within six weeks after such plans and sections have been submitted to them, shall have failed to notify their determination in writing to the person who submitted the same, the urban authority shall be deemed to have approved of the plans and sections.

(2) No requirement of an urban authority in relation to plans and sections submitted under this section shall operate to compel any owner to receive upon his land, or to make provision for the passage of, a greater quantity of water than he would have been obliged to receive or to permit to pass but for this section.

(3) If, with the consent of the owner, the urban authority shall require the owner to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section, any additional cost occasioned by such requirement shall be borne by the urban authority.

(4) If any difference shall arise between an urban authority and an owner as to the expediency or necessity of the works required by the authority to be executed under this section, such difference may be determined by a petty sessional court on the application of either party.

(5) Any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Repair and cleansing of culverts.

53. The owner or occupier of any culvert situate within an urban district shall from time to time repair, maintain and cleanse the culvert, and if any such owner or occupier fails to comply with the requirements of a notice given to him by the urban authority to repair, maintain or cleanse his culvert within a time specified in the notice, the urban authority may execute any necessary works of repair or maintenance, or may cleanse such culvert, and the expenses so incurred, as certified by the surveyor, may be recovered by the urban authority summarily as a civil debt from the owner or occupier.

Watercourse choked up to be a nuisance under Public Health Act, 1875.

54.—(1) Any part of a watercourse which is situate within the district of an urban authority, and is so choked or silted up as to obstruct or impede the proper flow of water along the same, and thereby to cause, or render probable, an overflow of the watercourse on to land and property adjacent to the watercourse, or to hinder the usual effectual drainage of water through the same, shall be deemed to be a nuisance within the meaning of section ninety-one of the Public Health Act, 1875, and all the provisions of that Act relating to nuisances shall apply to every such watercourse, notwithstanding that the same may not be injurious to health:

Provided that nothing in this section shall be deemed to impose any liability on any person other than the person by whose act or default the nuisance arises or continues.

(2) This section shall not extend to a part of a watercourse which is ordinarily navigated by vessels employed in the carriage of goods by water.

Power of local authority to defray cost of or execute works.

55. An urban authority may, if they think fit, contribute the whole or a portion of the expenses of the execution of works for the purposes mentioned in this Part of this Act, or may by agreement with owners or occupiers themselves execute any such works, and may borrow, subject to the provisions of the Public Health Acts, 1875 to 1907, the amount of any payment under this section.

PART VI.

RECREATION GROUNDS.

Further powers as to parks and pleasure grounds.

56.—(1) The following powers shall be added to the powers conferred upon the local authority by section seventy-six of the Public Health Acts Amendment Act, 1907 (in this section called "the principal section"), with respect to any public park or pleasure ground provided by them or under their management and control, namely, powers—

(*a*) to provide, or contribute towards the expenses of, any concert or other entertainment given in the park or ground;

(*b*) to enclose, for the purpose of such concerts and entertainments, any part of the park or ground not exceeding one acre or one-tenth of the

area of the park or ground, whichever is the greater; and

(*c*) to charge for admission to any such concerts or entertainments provided by themselves, or to let the part of the park or ground so enclosed to any person for the purpose of providing the same, and to authorise that person to charge for admission thereto:

Provided that the following restrictions shall have effect with respect to any concert or other entertainment provided by the local authority under this section, that is to say:—

(i) No stage play shall be performed; and

(ii) The concert or other entertainment shall not include any performance in the nature of a variety entertainment; and

(iii) No cinematograph film, other than a film illustrative of questions relating to health or disease, shall be shown; and

(iv) No scenery, theatrical costumes or scenic or theatrical accessories shall be used.

(2) Any part of the park or ground enclosed under paragraph (*e*) of subsection (1) of the principal section for the purposes of bands of music, may be used for any of the purposes of concerts or other entertainments.

(3) Any expenditure of the local authority, in the exercise of their powers to provide or contribute to a band under subsection (1) of the principal section and any expenditure of the local authority in the exercise of their powers under subsection (1) of this section, shall not when added together exceed in any one year an amount equal to that which would be produced by a rate of one penny in the pound on the property liable to be assessed for the purpose of the rate out of which the expenses of the park or ground are payable, as assessed for the time being for the purposes of that rate, or such higher rate not exceeding twopence in the pound as may be approved by the Minister of Health, and subsection (3) of the principal section shall cease to have effect.

(4) In the foregoing provision of this section, the expression "expenditure" means net expenditure after allowing for the receipts arising from the exercise of the

power to provide or contribute to a band, or of the powers conferred by subsection (1) of this section.

(5) When any part of the park or ground has been set apart by the local authority for the purpose of cricket, football or any other game or recreation, under paragraph (*b*) of subsection (1) of the principal section, the local authority may charge reasonable sums for the use thereof for that purpose.

(6) Part VI. of the Public Health Acts Amendment Act, 1907, shall have effect as if the powers given to local authorities by this section were included amongst the powers given to local authorities by the principal section.

PART VII.

INFECTIOUS DISEASE AND HOSPITALS.

Contact with body of person dying of infectious disease.

57. Every person having the charge or control of premises in which is lying the body of a person who has died from any dangerous infectious disease shall take such steps as may be reasonably practicable to prevent persons coming into contact with the body unnecessarily, and if he fails to do so he shall be liable to a penalty not exceeding five pounds.

Medical examination of inmates of common lodging-houses.

58.—(1) A justice of the peace may, on complaint made on oath by a medical officer of an urban or rural district, grant a warrant to such officer to enter any common lodging-house where, according to the reasonable belief of the officer, there is a person who is suffering, or has recently suffered, from a dangerous infectious disease, and to examine any person found in that house with a view to ascertaining whether he is suffering, or has recently suffered, from such disease.

(2) Any person who obstructs a medical officer in the execution of his powers and duties under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

Closing of common lodging-house on account of infectious disease therein.

59.—(1) If, on the application of the local authority, a petty sessional court is satisfied that it is necessary in the interests of the public health that a common lodging-house should be closed on account of the existence, or recent existence, therein of dangerous infectious disease, the court may make an order directing the house to be

closed until it is certified by the medical officer to be free from infection.

(2) If a lodger is received, or allowed to remain, in a common lodging-house in contravention of such order, the keeper of the lodging-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The local authority shall make compensation to the keeper of a common lodging-house for any loss sustained by him by reason of the house being closed under this section.

Definition of "dangerous infectious disease." 52 & 53 Vict. c. 72.

60.—(1) In the foregoing provisions of this Part of this Act the expression "dangerous infectious disease" means any infectious disease named in section six of the Infectious Disease (Notification) Act, 1889.

(2) The Minister of Health may by order declare any other infectious disease to be a dangerous infectious disease for the purpose of any of the foregoing provisions of this Part of this Act, either generally or as respects any particular area, and accordingly the expression "dangerous infectious disease" shall, as respects the purpose aforesaid and within the area to which the order extends, include any disease so declared, so long as the order may continue in force.

Amendment as to enforcement by county councils of regulations under s. 130 of 38 & 39 Vict. c. 55. 3 & 4 Geo. 5. c. 23.

61.—(1) For the removal of doubts it is hereby declared that where in accordance with section two of the Public Health (Prevention and Treatment of Disease) Act, 1913, a county council is declared by the Minister of Health to be an authority to execute and enforce regulations made under section one hundred and thirty of the Public Health Act, 1875, such regulations may, with the consent of the council, authorise the council to provide or to arrange for the provision of suitable means for the proper isolation and treatment of persons suffering from any disease to which the regulations apply, and may for that purpose apply any of the provisions of the Public Health Acts, 1875 to 1907.

(2) Any regulations made under the said section one hundred and thirty authorising a county council to provide or arrange for the provision of suitable means for the proper isolation and treatment of persons suffering from any disease, may direct that the county contributions, whether for general or special county purposes,

which are liable to be assessed on the parishes in respect of any expenses incurred by the council in providing or maintaining any hospital or institution, or in providing for the cost of maintenance of patients in any hospital or institution, shall be assessed on such parishes in proportion to the use made of such hospitals and institutions by the inhabitants of the parishes, respectively, or in such other proportion as may be prescribed, and any precept for county contributions may include as a separate item any contributions, whether for general or special county purposes, which are to be so assessed in accordance with such regulations.

Removal to hospital of infectious persons suffering from pulmonary tuberculosis.

62.—(1) Where it is proved to the satisfaction of a court of summary jurisdiction—

(*a*) that any person suffering from pulmonary tuberculosis is in an infectious state; and

(*b*) that the lodging or accommodation provided for that person is such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken; and

(*c*) that serious risk of infection is thereby caused to other persons; and

(*d*) that a suitable hospital or institution exists for the reception and accommodation of that person;

the court, upon the application of the county council or of the local authority, may, with the consent of the superintending body of the hospital or institution, make an order for the removal of that person to that hospital or institution and for his detention and maintenance therein for such period not exceeding three months as the court think fit.

(2) Before making application for an order under this section, the county council or local authority shall give to the person to whom the application is to relate, or to some person having the care of that person, not less than three clear days' notice of the time and place at which the application will be made.

(3) Upon application being made for an order under this section the court may in any case in which they think it necessary to do so require the person to whom the application relates to be examined by such

duly qualified medical practitioner as the court may direct.

(4) The cost of the removal of any person to a hospital or institution, and of his detention and maintenance therein in pursuance of an order made under this section, shall be borne by the county council or local authority upon whose application the order was made, and during any period for which a person is so detained the county council or local authority may and, if so required by the court, shall make towards the maintenance of any dependants of that person such contributions as the county council or local authority think fit, or as may be directed by the court, as the case may be.

(5) Where before the expiration of any period for which a person has been ordered to be detained under this section, the court is satisfied upon the application of the county council or local authority that the conditions which led the court to order his detention will again exist if he is not detained for a further period, the court may, subject to the like consent, order the detention of that person for a further period, not exceeding three months.

(6) Upon not less than three clear days' notice being given to the clerk of the county council or local authority upon whose application an order under this section was made, application for the rescission of the order may be made by or on behalf of the person to whom the order relates at any time after the expiration of six weeks from the date of the order, and upon the hearing of any such application the court may, if they think fit, rescind the order.

(7) An order under this section may be addressed to such constable or officer of the county council or local authority as the court may think expedient, and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(8) Any expenses incurred under this section by a county council shall be defrayed as expenses for general county purposes, or, if the Minister of Health by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order.

Extended use of ambulances, &c. 56 & 57 Vict. c. 68.

63.—(1) Any carriage provided under section one hundred and twenty-three of the Public Health Act, 1875, and any ambulance provided under section thirteen of the Isolation Hospitals Act, 1893, may be used for the conveyance of persons upon their discharge from a hospital or of sick persons not suffering from infectious disease, provided that suitable precautions are taken to prevent the communication of infectious disease to any person so conveyed.

(2) A reasonable charge may be made by the local authority or isolation hospital committee for the use of a carriage for any purpose authorised by this section.

(3) Section one hundred and twenty-three of the Public Health Act, 1875, as amended by this section, shall extend to any joint board to whom the provisions of that section have been applied.

Power of local authority to subscribe to hospitals, &c. 38 & 39 Vict. c. 55.

64.—(1) The power of a local authority under section one hundred and thirty-one of the Public Health Act, 1875 (which enables a local authority for the purpose of the provision of hospital accommodation for their district, among other things, to enter into agreements with persons having the management of any hospital), shall include a power to make reasonable subscriptions or donations to a voluntary hospital or institution, if the local authority are satisfied that by so doing they will maintain or extend or increase the efficiency of hospital accommodation for the sick inhabitants of their district.

(2) The expenditure under this section of a local authority shall not exceed in any one year, an amount equal to that which would be produced by a rate of one penny in the pound on the property liable to be assessed for the purpose of the rate out of which such expenditure is payable.

Power to provide houses for officers, &c., at a hospital.

65.—(1) Any local authority by whom a hospital is provided may provide dwelling-houses for officers or servants employed at that hospital by the local authority, and may defray any expenses in the execution of the power conferred by this section as expenses incurred by the local authority in the provision of the hospital are defrayed.

(2) In this section "local authority" includes a joint hospital board constituted under the Public Health Act, 1875, or committee constituted under the Isolation

Hospitals Acts, 1893 and 1901, or any joint committee of local authorities formed for the purpose of providing a hospital.

PART VIII.

MISCELLANEOUS.

Power of county councils and local authorities to assist in prevention of blindness.

66.—(1) Without prejudice and in addition to any other power under any other Act, a county council or local authority shall have power, with the consent of the Minister of Health, to make such arrangements as they may think desirable for assisting in the prevention of blindness, and in particular for the treatment of persons ordinarily resident within their area suffering from any disease of or injury to the eyes.

(2) Any expenses incurred under this section by a county council shall be defrayed as expenses for general county purposes or, if the Minister of Health by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order.

(3) A council may exercise any of the powers conferred by this section (other than the power of raising a rate or of borrowing money) through a committee of the council, and may appoint as members of the committee persons specially qualified by training or experience in matters relating to the blind who are not members of the council, but not less than two-thirds of the members of the committee shall consist of members of the council, and a committee established under this section may, subject to any direction of the council, appoint such and so many sub-committees consisting either wholly or partly of members of the committee as the committee thinks fit.

(4) For the purposes of this section, a person who becomes an inmate of any hospital or institution after the commencement of this Act shall be deemed to continue to be ordinarily resident in the area in which he was ordinarily resident before he became an inmate of such hospital or institution.

Notices, lectures, &c., on questions as to health or disease.

67.—(1) Any local authority or county council may arrange for the publication within their area of information on questions relating to health or disease, and for the delivery of lectures and the display of pictures in which such questions are dealt with, and may defray the whole

or a portion of expenses incurred for any of the purposes of this section.

(2) The Minister of Health may, for the purposes of this section, make rules prescribing restrictions or conditions subject to which the powers conferred by this section may be exercised.

Power to provide parking places for vehicles.

68.—(1) Where for the purpose of relieving or preventing congestion of traffic it appears to the local authority to be necessary to provide within their district suitable parking places for vehicles, the local authority may provide such parking places in accordance with the provisions of this section, and for that purpose may—

(*a*) acquire land suitable for use as a parking place; or

(*b*) utilise any lands which may lawfully be appropriated for the purpose; or

(*c*) by order authorise the use as a parking place of any part of a street within their district, not being a street within the London Traffic Area:

Provided that no such order shall—

(i) authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street, or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or

(ii) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.

(2) Where a local authority propose to make an order under this section authorising the use as a parking place of any land forming part of a street, or propose to acquire or utilise any land for the purposes of this section, the local authority shall cause notice of the proposal to be published in at least one newspaper circulating within their district, and shall also cause a copy of such notice to be posted for not less than fourteen days on the land to which the proposal relates, and every such notice shall—

(*a*) specify the land to which the proposal relates; and

(*b*) notify the date (which shall not be less than twenty-eight days) within which any objection

to the proposal shall be sent in writing to the local authority; and

(*c*) contain a notification of the right of appeal conferred by this section.

(3) Before carrying into effect any proposal of which notice is required by this section to be given, the local authority shall consider any objection to the proposal which is sent to them in writing within the time fixed in that behalf, and shall, after so considering it, give notice of their decision to the person by whom the objection was made, and if any person is aggrieved by any such decision he may, within twenty-one days after receiving notice thereof, appeal therefrom to a petty sessional court.

(4) The local authority may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a street, which they may acquire or utilise under this section, and may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.

(5) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such parking place.

(6) A local authority may make regulations as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any such regulations shall be exhibited on or near any parking place to which the regulations relate.

(7) While any vehicle is within a parking place it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if any person acts in contravention of this provision he shall be liable to a fine not exceeding forty shillings.

(8) Any order made under this section may be varied or revoked by any subsequent order made in like manner.

(9) In this section the expression "parking place" means a place where vehicles, or vehicles of any particular class or description, may wait.

Provision of grounds for cricket, football, and other games.

69.—(1) A county council, local authority or parish council may acquire by purchase, gift or lease, and may lay out, equip and maintain lands, not being lands forming part of any common, for the purpose of cricket, football or other games and recreations, and may either manage those lands themselves and charge persons for the use thereof or for admission thereto, or may let such lands, or any portion thereof, to any club or person for use for any of the purposes aforesaid.

(2) A county council, local authority or parish council may contribute towards the expenses incurred under this section by any other council or authority.

(3) Any expenses incurred under this section by a county council shall be defrayed as expenses for general county purposes, and any expenses so incurred by a parish council shall be defrayed as part of the expenses of the council under the Local Government Act, 1894. 56 & 57 Vict. c. 73.

(4) The provisions of the Local Government Act, 1888, shall apply with respect to the exercise by a county council of the powers conferred by this section; and the provisions of the Local Government Act, 1894, shall apply with respect to the exercise of the said powers by a parish council.

(5) In this section the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green.

Use of public offices for entertainments, &c.

70.—(1) Any offices provided by the local authority for the transaction of business may be used by the local authority for the purposes of concerts or other entertainments which may be provided either by the local authority or by any other person, and any such offices as aforesaid may be let by them for use for those purposes, or for the purpose of meetings, at such times and in such manner as will not interfere in any way with the transaction of the business of the local authority:

Provided that the restrictions imposed by Part VI. of this Act with respect to the character of any concert or other entertainment provided by the local authority under the powers conferred by that Part shall apply with respect to any concert or other entertainment provided by the local authority under this section.

(2) Any expenses incurred by the local authority in the exercise of the powers conferred by this section shall be defrayed out of the fund or rate out of which the expenses of the local authority in the maintenance of the offices are defrayed, and any receipts shall be carried to the credit of that fund or rate.

Power to establish cold-air stores, &c.

71.—(1) Where a local authority have provided a public slaughter-house or market, they may, with the consent of the Minister of Health, provide a cold-air store or refrigerator, with all machinery, apparatus and appliances necessary for the proper working and use thereof, and for the storage and preservation of meat and other articles of food, and may make in respect of the use of any such cold-air store or refrigerator, such reasonable charges as they may determine.

(2) A local authority intending to apply for the consent of the Minister of Health under this section shall give notice of their intention by advertisement in some newspaper circulating in the district one month at least before the making of such application.

(3) The Minister shall consider any objection to the proposal of the local authority which may be made by any person appearing to him to be interested, and, in the event of any such objection being made and not withdrawn, shall cause a local enquiry to be held at which all persons interested shall be permitted to attend and make objections.

(4) The local authority shall cause to be given at least fourteen days' notice of the intention to hold such local enquiry by advertisement in some newspaper circulating in the district.

Precautions against contamination of food intended for sale.

72.—(1) This section applies to any room, not being a room to which the Factory and Workshop Act, 1901, as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act, 1907, applies, in which food is prepared for sale, or in which any food, other than food contained in

receptacles so closed as to exclude all risk of contamination, is sold or is stored or kept with a view to future sale. 1 Edw. 7. c. 22. 7 Edw. 7. c. 32.

(2) The occupier of any room to which this section applies shall not permit the room to be used for the purpose of selling, preparing, storing, or keeping any food unless the following requirements are complied with, that is to say:—

(*a*) No sanitary convenience shall be in the room, or shall communicate directly therewith, or shall be so placed that offensive odours therefrom can penetrate to the room:

(*b*) No cistern for the supply of water to the room shall be in direct communication with or discharge directly into any sanitary convenience:

(*c*) No outlet for the ventilation of any drain shall be in the room, and if there is in the room any inlet or opening into any drain, that inlet or opening shall be efficiently trapped:

(*d*) The room shall not be used as a sleeping place, and no sleeping place shall communicate directly with the room in such manner as to cause unreasonable risk of contamination to food in the room:

(*e*) The room shall, except in the case of a room used as a cold store, be adequately ventilated.

(3) The occupier of any room to which this section applies shall—

(*a*) cause the walls and ceiling of the room to be whitewashed, cleansed, or purified as often as may be necessary to keep them in a clean state: and

(*b*) prevent any unnecessary accumulation or deposit of refuse or filth in the room.

(4) The occupier of any room to which this section applies and every person engaged in any such room shall take all such steps as may be reasonably necessary on his part to prevent risk of contamination to food in the room and to secure the cleanliness of the room and of all articles, apparatus, and utensils therein.

(5) The medical officer, sanitary inspector, and any other officer of a local authority duly authorised in writing by the authority in that behalf shall have power

at all reasonable times to enter and inspect any room to which this section applies for the purpose of ascertaining whether the provisions of this section are complied with.

(6) If any person acts in contravention of or fails to comply with any of the provisions of this section, or hinders or obstructs an officer of a local authority in the exercise of his powers or duties under this section, he shall be liable to a penalty not exceeding twenty shillings for the first offence or not exceeding five pounds for any subsequent offence and in either case to a daily penalty not exceeding twenty shillings.

(7) In this section the expression—

"food" includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and flavouring matters and condiments;

"room" includes any shop, shed, store, outbuilding, or cellar;

"sanitary convenience" includes urinals, water-closets, earth-closets, privies, ashpits, and any similar convenience.

Rag and bone dealers not to sell food or toys.

73.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles, or any person carrying on the business of a rag and bone merchant, or any person acting on behalf of any such person, to sell or distribute within the district of the local authority from any cart, barrow or other vehicle used for the collection of rags, bones or similar articles, or in or from any shop or premises used for, or in connection with, the business of a rag and bone merchant any article of food or any balloon or other toy.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Penalties for neglect of traffic directions and for dangerous driving, &c.

74.—(1) Where a police constable in uniform is for the time being engaged in the regulation of traffic at any place in a street, not being a place within the London Traffic Area, any person driving or propelling any vehicle who wilfully neglects or refuses to stop the vehicle or make it proceed or keep to a particular line of traffic when directed so to do by such police constable

in the execution of his duty, shall be liable to a fine not exceeding five pounds.

(2) If any person rides or drives so as to endanger the life or limb of any person or to the common danger of the passengers in any street, not being a street within the Metropolitan Police District, he may be arrested without warrant by any constable who witnesses the occurrence, and any person who so rides or drives as aforesaid shall be liable to a fine not exceeding five pounds.

(3) In this section the expression "street" includes a county bridge.

Byelaws as to persons waiting to enter public vehicles.

75.—(1) The local authority may make byelaws for regulating the conduct of persons waiting in streets to enter public vehicles, and the priority of entry into such vehicles, and may by such byelaws require queues or lines to be formed and kept by such persons.

(2) The local authority may erect and maintain, or permit other persons to erect and maintain, in any street such barriers and posts as appear to the local authority to be necessary for the purposes of securing compliance with any such byelaws:

Provided that the powers of the local authority under this subsection shall not be exercised in the case of a main road maintained by a county council except with the consent of such county council.

(3) Nothing in subsection (2) of this section shall be construed as empowering the local authority to hinder the reasonable use of the street by the public, or to obstruct the access to or exit from any station or goods yard belonging to a railway company or to or from any premises belonging to the owners, trustees, or conservators, acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour, and used for the purposes of the canal, inland navigation, dock or harbour, nor shall any barrier or post be erected on any bridge carrying any street over a railway or the approaches thereto.

(4) This section shall not extend to any street within the London Traffic Area.

As to public vehicles taken at railway stations.

76. In any area within which the provisions of the Town Police Clauses Act, 1847, with respect to hackney carriages are in force, those provisions and any byelaws of the local authority with respect to hackney carriages

10 & 11 Vict. c. 89.

shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within such area, as if such railway station or railway premises were a stand for hackney carriages or a street:

Provided that—

(*a*) the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises, or to the driver or conductor of such vehicle;

(*b*) nothing in this section shall empower the local authority to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises, or in any yard belonging to a railway company, except with the consent of that company.

Rate of interest on certain expenses.

77. The rate of interest on expenses recoverable by a local authority—

(*a*) under section two hundred and thirteen or section two hundred and fifty-seven of the Public Health Act, 1875 (which relate to private improvement rates and the recovery of expenses from an owner of premises);

(*b*) under section thirteen or section fourteen of the Private Street Works Act, 1892 (which relate to charges on premises in respect of the expenses of street works and the recovery of such expenses); or

55 & 56 Vict. c. 57.

(*c*) under any provision relating to the execution of street works in a local Act;

shall, as regards expenses incurred after the commencement of this Act, be five per cent. or such other rate of interest as the Minister of Health may from time to time by order fix, and different rates of interest may be fixed for different purposes and in different cases.

Notices of certain works and objections thereto. Local inquiries by inspectors

78.—(1) The time before which notice by advertisement is to be given by a local authority under section thirty-two or under section fifty-three of the Public Health Act, 1875, of intended sewerage works outside their district, or of an intended reservoir for water, shall be six weeks before the commencement of the work, instead of three months and two months, respectively, before such commencement.

(2) The time within which notice under section thirty-three or under section fifty-three of the Public Health Act, 1875, is to be served by a person objecting to any such intended work of sewerage or reservoir, shall be four weeks after the publication of the advertisement of the local authority giving notice of the intended work, instead of three months and two months, respectively, before the commencement of the work.

(3) In the provisions of sections thirty-four and fifty-three of the Public Health Act, 1875, which relate to local inquiries into any such work or reservoir by an inspector of the Minister of Health, the words "in the locality" are hereby substituted for "on the spot."

(4) The amendments of sections thirty-two to thirty-four and section fifty-three of the Public Health Act, 1875, made by this section shall have effect as regards any work to which any of those sections is extended by any provision of the Public Health Acts, 1875 to 1907.

Amendment of 38 & 39 Vict. c. 55. s. 234, as to interest on sinking fund.

79. Where sums are set apart as a sinking fund for the purpose of paying off moneys borrowed by a local authority in the exercise of their powers under the Public Health Act, 1875, the interest received in any year from the investment of the sums so set apart shall, after the commencement of this Act, instead of being accumulated in accordance with the provisions of regulation (4) of section two hundred and thirty-four of that Act, form part of the revenue for that year of the fund or rate out of which the sums were set apart, but the contribution to be made to the sinking fund out of such fund or rate shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at such rate that the accumulations would with the sums set apart be sufficient to pay off the moneys borrowed within the period sanctioned.

Power to lay gas and water pipes in private streets.

80.—(1) If the local authority are authorised to supply gas or water, they may, on the application of the owner or occupier of any premises within their limits of supply abutting on any street laid out but not dedicated to public use, supply those premises with gas or water, as the case may be, and lay down, maintain and repair pipes in such street, and for the purposes of this section the Gasworks Clauses Act, 1847, and the Waterworks Clauses Act, 1847, shall apply as if section

10 & 11 Vict. c. 15.
10 & 11 Vict. c. 17.

seven of the former Act and section twenty-nine of the latter Act had been excepted from incorporation with the Acts relating to the local authority.

(2) The powers conferred by this section shall not extend to any street which is repairable by the owners, trustees or conservators acting under powers conferred by Parliament of any railway, canal, inland navigation, dock or harbour, and used for the purposes of the railway, canal, inland navigation, dock or harbour, unless the consent of such persons is obtained by the local authority, but such consent shall not be unreasonably withheld, and upon an application made to the Minister of Health by the local authority or by the owners, trustees or conservators of the undertaking, the Minister may, if he thinks fit, determine whether a consent has unreasonably been withheld to the exercise by the local authority of their powers under this section.

Contribution by local authority to street works under 38 & 39 Vict. c. 55. s. 150, or local Acts.

81. Any local authority, by whom notices requiring the execution of works have been served under section one hundred and fifty of the Public Health Act, 1875, or any provision relating to street works in a local Act, may, if they think fit, at any time resolve to contribute the whole or a portion of the expenses of the works.

Declaration of streets as highways repairable by inhabitants.

82. Where, after the commencement of this Act, notices have been given under section one hundred and fifty of the Public Health Act, 1875, by the urban authority, as respects any street, and that street is sewered, levelled, paved, flagged, metalled, channelled, and made good (all such works being done to the satisfaction of the urban authority) then, on the application in writing of the greater part in rateable value of the owners of the houses or land in such street, the urban authority shall, within three months after the time of such application, by notice put up in such street, declare the same to be a highway repairable by the inhabitants at large, and thereupon such street shall become a highway repairable by the inhabitants at large.

Interpretation of 38 & 39 Vict. c. 55. s. 154.

83. For removing doubts, it is hereby declared that the purposes mentioned in section one hundred and fifty-four of the Public Health Act, 1875 (which relates to the purchase of premises for the widening, opening, enlarging or otherwise improving any street, or for the making of any new street), include the improvement and

development of frontages or of the lands abutting on or adjacent to any street.

List of repairable streets.

84.—(1) Every urban authority shall, within six months after the commencement of this Act, cause to be prepared a list of the streets within their district which are repairable by the inhabitants at large.

(2) Any list prepared under this section shall be open to the inspection of any person, without payment, during the ordinary office hours of the urban authority.

PART IX.

BATHS AND WASHHOUSES.

Charges for use of baths and washhouses.

85.—(1) Any authority having power to carry into execution the Baths and Washhouses Acts, 1846 to 1899 (in this Part of this Act referred to as "the local authority"), may make charges for or in connection with the use of any bath, washhouse or bathing place provided by the authority at such rates as may be fixed by a scale authorised by the authority in accordance with the provisions of this section.

(2) Every scale for the purposes of this section shall be authorised by a resolution duly passed by the local authority, and the local authority shall at least one month before proceeding to consider any resolution for authorising such a scale, cause the proposed scale to be published in at least one newspaper circulating within the area of the authority, and in such other manner as the authority may consider necessary for bringing the proposed scale to the notice of persons interested.

Amendment of section 34 of Baths and Washhouses Act, 1846. 9 & 10 Vict. c. 74.

86. Section thirty-four of the Baths and Washhouses Act, 1846, shall, so far as it requires the bye-laws made for the purposes of that Act by a local authority to make provision for the purposes specified in Schedule (A.) to that Act, cease to have effect.

Closing and use when closed of swimming baths.

87.—(1) The local authority may, during any period between the first day of October and the last day of the following April, close any swimming bath provided by the authority, and may at any time while the swimming bath is closed, use the swimming bath for such purposes, or allow it to be used or let it for such purposes, and upon such terms and conditions as in their absolute discretion they think proper:

Provided that the restrictions imposed by Part VI. of this Act with respect to the character of any concert or other entertainment provided by a local authority under the powers conferred by that Part shall apply with respect to any concert or other entertainment provided by the local authority under this section.

(2) The power of the local authority to make byelaws under the Baths and Washhouses Act, 1846, shall include power to make byelaws for the regulation, management and use of the swimming bath when used for any purposes authorised by this section, and the local authority may appoint such officers and servants as are necessary for the management and superintendence of the bath when used by them for any of those purposes, and may pay reasonable salaries, wages and allowances to those officers and servants.

41 & 42 Vict. c. 14.
59 & 60 Vict. c. 59.
62 & 63 Vict. c. 29.

(3) The foregoing provisions of this section shall be substituted for sections five to eight of the Baths and Washhouses Act, 1878, but nothing in those provisions shall affect the operation of proviso (*a*) or (*c*) to section two of the Baths and Washhouses Act, 1896, or proviso (*a*) or (*c*) to section two of the Baths and Washhouses Act, 1899.

9 Edw. 7. c. 30.

(4) Nothing in this section shall authorise the use of a swimming bath for the public performance of stage plays, for public music, or public music and dancing, or other public entertainment of the like kind, or for cinematograph exhibitions, unless such licence as may be required for the use of a place for any such purpose shall have been obtained or any notice required by subsection (2) of section seven of the Cinematograph Act, 1909, duly given, and any terms, conditions or restrictions attached to the grant of such licence or any regulations or conditions made or imposed under the said subsection (2) shall apply, notwithstanding anything contained in any byelaw made under this section.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

PROVISIONS IN PARTS II. AND III. OF THIS ACT TO THE ADOPTION OF WHICH BY AN URBAN AUTHORITY FOR A DISTRICT OF LESS THAN 20,000 POPULATION THE CONSENT OF THE MINISTER OF HEALTH IS REQUIRED.

PART II.

Provisions.	Subject-matter of Provisions.
Section 21	Prevention of water flowing on footpath.
Section 22	For preventing soil, &c., from being washed into streets.

PART III.

Section 44	Offensive trades or businesses.

SECOND SCHEDULE.

Section 4.

PROVISIONS IN PARTS II. AND III. OF THIS ACT WHICH CANNOT BE ADOPTED BY A RURAL DISTRICT COUNCIL.

PART II.

Provisions.	Subject-matter of Provisions.
Sections 17 to 19	Naming of streets.
Section 21	Prevention of water flowing on footpath.
Section 22	Washing of soil into streets.
Section 24	Projections in streets.
Section 35	Power to vary width of carriageway and footway upon making up private street.

PART III.

Section 39	Notice of intention to reconstruct or alter drains.
Section 44	Offensive trades or businesses.

Section 5.

THIRD SCHEDULE.

RESOLUTION OF ADOPTION.

1. A resolution of adoption must be passed at a meeting of the local authority.

2. One month at least before the meeting of the local authority special notice of the meeting and of the intention to propose the resolution shall be given to every member of the local authority, and such notice shall also be inserted once at least in one or more of the newspapers circulating within the area of the local authority in each of two successive weeks.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the area of the local authority by whom the resolution is passed, and may also be published otherwise in such manner as the local authority thinks sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Minister of Health.

5. The resolution of adoption shall come into operation at such time, not less than one month after the first publication of the advertisement, as may be fixed by the local authority, or if the consent of the Minister of Health to the adoption is required, at such time as may be fixed by the Minister.

Section 7.

FOURTH SCHEDULE.

APPLICATION OF PROVISIONS OF PART I. OF THE PUBLIC HEALTH ACTS AMENDMENT ACT, 1907.

Provisions Applied.	Subject-matter of Provisions.
Section 4 - - - -	Expenses of local authority.
Section 5 (1) and (2) - -	Enquiries by Minister of Health.
Section 6 - - - -	Legal proceedings, &c.
Section 7 - - - -	Appeals to quarter sessions, &c.
Section 9 (except the proviso)	Byelaws.
Section 10 - - - -	Compensation, how ascertained.
Section 11 - - - -	Powers of Act cumulative.
Section 12 - - - -	Crown rights.
Section 13 (except so far as it relates to the expressions "the commencement of this Part" or "the commencement of this section").	Interpretation.

FIFTH SCHEDULE.

Section 9.

ENACTMENTS REPEALED BY THIS ACT.

PART I.

ENACTMENTS REPEALED AS FROM THE DATE ON WHICH A SCALE OF CHARGES IS AUTHORISED BY THE LOCAL AUTHORITY.

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Vict. c. 74.	The Baths and Washhouses Act, 1846.	In section 34 the words from "and for determining" to "bathing places respectively."
10 & 11 Vict. c. 61.	The Baths and Washhouses Act, 1847.	Section 7 and the Schedule.
41 & 42 Vict. c. 14.	The Baths and Washhouses Act, 1878.	In section 4 the words from "and make such" to the end of the section, section 14 and the Schedule.

PART II.

Section 9.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Vict. c. 74.	The Baths and Washhouses Act, 1846.	In section 34 the words from "and such byelaws" to "Schedule (A) to this Act," and Schedule (A).
41 & 42 Vict. c. 14.	The Baths and Washhouses Act, 1878.	Sections 5 to 8.
59 & 60 Vict. c. 59.	The Baths and Washhouses Act, 1896.	Proviso (*b*) to section 2. In section 3 the words "with "fourteen days' previous "notice."
62 & 63 Vict. c. 29.	The Baths and Washhouses Act, 1899.	Proviso (*b*) to section 2.
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	Section seventy-nine.