PART VII.—REPEALS EXTENDING TO NORTHERN IRELAND, THE ISLE OF MAN AND THE CHANNEL ISLANDS. 3RD SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section two hundred and thirty-four.
59 & 60 Vict. c. 19.	The Public Health Act, 1896.	Section two.

CHAPTER 50.

An Act to consolidate certain enactments relating to public health in London. [31st July 1936.]

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.

LOCAL ADMINISTRATION.

The county council and the sanitary authorities.

Administration of Act by county council and sanitary authorities.

1.—(1) Subject to the provisions of this Act, the local authorities for the purposes of this Act shall, in respect of certain matters, be the county council and, in respect of other matters, be the sanitary authorities.

(2) Without prejudice to the provisions of this Act relating to the port health authority, the sanitary authorities for the purposes of this Act shall be—

(*a*) as respects the city, the common council,

(*b*) as respects the Inner Temple and the Middle Temple, the respective overseers thereof, and

(*c*) as respects a borough, the council of the borough;

and the area as respects which any authority are by this section constituted the sanitary authority, is in this Act referred to as "the district" of that authority.

PART I —*cont.*

(3) References in this Act to the common council shall be construed as references to the mayor, commonalty and citizens of the city acting through the common council, and in this Act, unless the context otherwise requires, the expressions "borough" and "borough council" mean respectively a metropolitan borough and the council of a metropolitan borough.

General duty of sanitary authorities.

2. It shall be the duty of every sanitary authority to cause inspection of their district to be made from time to time, with a view to ascertaining whether there exist therein any nuisances calling for abatement under this Act, and to enforce the provisions of this Act for the purpose of abating any such nuisances, and otherwise to exercise the powers of the authority relating to public health and local government, so as to secure that all premises within their district are in a proper sanitary condition.

Jurisdiction of sanitary authorities as to ships.

3.—(1) For the purposes of the provisions of this Act, other than those specified in Part I of the First Schedule to this Act, any vessel lying in a river or other water within the district of a sanitary authority shall (subject to the provisions of this Act with respect to the port health authority, and save as otherwise expressly provided by this Act) be subject to the jurisdiction of the sanitary authority in the same manner as if it were a house within their district and as if the master of the vessel were the occupier of the house.

(2) This section shall not apply to a vessel under the command or charge of an officer bearing His Majesty's commission, or to a vessel belonging to a foreign government.

Powers of committees of sanitary authorities.

4. Any committee appointed by a sanitary authority for the purposes of this Act may, subject to the terms of their appointment, serve and receive notices, take proceedings, and empower any officer of the sanitary authority to make complaints and take proceedings on their behalf and otherwise to enforce the provisions of this Act, other than those specified in Part I of the First Schedule to this Act; but nothing in this section shall be taken to prejudice any power to act through a committee which, apart from this section, is exercisable by a sanitary authority.

The port health authority.

PART I. —*cont.*

Port health authority of port of London.

5.—(1) The mayor, commonalty and citizens of the city shall be the port health authority of the port of London, and as such are in this Act referred to as "the port health authority."

(2) References in any enactment passed before the commencement of this Act to the port sanitary authority of the port of London shall be construed as references to the port health authority.

Vesting of functions of sanitary authority in port health authority.

6.—(1) The Minister may by order vest in, or impose on, the port health authority, as respects all waters within the port of London, and as respects such districts or parts of districts of riparian authorities (if any) as may be specified in the order, any functions, rights or liabilities of a sanitary authority under any of the provisions of this Act other than those specified in Part II of the First Schedule to this Act, and any functions, rights or liabilities of a local authority under the Public Health Act, 1875, with such modifications and additions (if any) as appear to the Minister to be necessary.

38 & 39 Vict. c. 55.

(2) Where any functions are vested in, or imposed on, the port health authority by an order made under this section, no other authority shall discharge those functions within the port of London:

Provided that the port health authority may, with the consent of the Minister, delegate to any riparian authority the exercise of any powers conferred on the port health authority by an order under this section.

(3) Save as otherwise provided in this Act, an order under this section may extend any of the provisions of this Act in relation to which subsection (1) of this section authorises the making of orders, or any byelaw made under any of those provisions, to all waters within the port of London and to such districts or parts of districts of riparian authorities (if any) as may be specified in the order, whether those waters, districts or parts are within or outside the county.

(4) In this section the expression "riparian authority" means—

(*a*) any sanitary authority, or any local authority for the purposes of the Public Health Act, 1875, being in either case an authority whose district or part of whose district forms part of, or abuts on, the port of London;

PART I. —*cont.*

(*b*) the Port of London Authority or any conservators, commissioners or other persons having jurisdiction over any part of the said port.

Medical officers of health and sanitary inspectors.

County medical officers of health.

7.—(1) The county council may appoint one or more persons to be medical officer or officers of health for the county, and any such medical officer of health is in this Act referred to as a " county medical officer of health."

(2) A person shall not be appointed a county medical officer of health unless he is a legally qualified medical practitioner and is registered in the medical register as the holder of a diploma in sanitary science, public health or state medicine.

(3) A county medical officer of health shall, for the purpose of discharging his functions, have the same powers of entry on premises as are conferred by or under this or any other Act on a medical officer of health for a borough.

District medical officers of health.

8.—(1) Every sanitary authority shall appoint one or more persons to be medical officer or officers of health for their district, and any such medical officer of health is in this Act referred to as a " district medical officer of health."

(2) The same person may, with the consent of the Minister, be appointed district medical officer of health for two or more districts by the sanitary authorities of those districts; and the Minister shall prescribe the mode of appointing any such officer under this subsection and the proportions in which the expenses of the appointment and the salary and charges of the officer shall be borne by the sanitary authorities by whom he is appointed.

(3) A person shall not be appointed a district medical officer of health unless he is a legally qualified medical practitioner and is registered in the medical register as the holder of a diploma in sanitary science, public health or state medicine.

(4) Every district medical officer of health shall, except during the two months immediately following the date of his appointment or except in cases allowed by the Minister, reside in the district of the sanitary

PART I. —*cont.*

authority, or one of the districts of the sanitary authorities, by whom he was appointed, or within one mile of the boundary thereof, and if, while not so residing, he purports to act, or receives any remuneration, as a district medical officer of health, he shall cease to hold office.

(5) A district medical officer of health may exercise any of the powers of a sanitary inspector.

(6) The annual report made by a district medical officer of health to a borough council shall be appended to the annual report made by that council under section sixty-one of the London County Council (General Powers) Act, 1929. 19 & 20 Geo. 5. c. lxxxvii.

Sanitary inspectors.

9.—(1) Every sanitary authority shall appoint an adequate number of persons to be sanitary inspectors.

(2) If, on a representation made by the county council and after local inquiry, the Minister is satisfied that a sanitary authority have failed to appoint an adequate number of sanitary inspectors, he may by order require the sanitary authority to appoint such number of additional sanitary inspectors, and to allow them such remuneration, as may be specified in the order, and the sanitary authority shall comply with the order.

(3) A person shall not be appointed a sanitary inspector unless he is the holder of a certificate stating that he has shown himself by examination to be competent for the office, being a certificate issued by such body as the Minister may approve.

(4) It shall be the duty of a sanitary inspector—

(*a*) to report to the sanitary authority the existence of any nuisance; and

(*b*) to inquire into, and report to the sanitary authority upon, all complaints made to the authority with respect to nuisances or with respect to contraventions of, or of any bye-laws made under, any of the provisions of this Act other than those specified in Part I of the First Schedule to this Act;

and the report of a sanitary inspector upon any such complaint as aforesaid shall be laid before the sanitary authority at their next meeting, and shall, together with the order of the sanitary authority with respect thereto, be entered in a book, which shall be kept at the

PART I. —*cont.*

office of the authority and shall be open at all reasonable times to inspection by any inhabitant of the district of the authority or by any officer of the county council generally or specially authorised in that behalf by the council.

Every sanitary authority shall cause to be kept a book, in which shall be entered particulars of all such complaints as aforesaid.

(5) It shall be the duty of a sanitary inspector, subject to the directions of the sanitary authority, to make complaints before justices and to take legal proceedings for the punishment of any person in respect of offences against, or against byelaws made under, any of the provisions of this Act other than those specified in Part I of the First Schedule to this Act.

(6) A sanitary authority may distribute the duties of the office of sanitary inspector among the sanitary inspectors appointed for the district.

Temporary arrangements for discharge of duties of district medical officers of health and sanitary inspectors.

10. A sanitary authority, where occasion requires, may, with the consent of the Minister, make temporary arrangements for the performance by any person of all or any of the duties of a district medical officer of health or sanitary inspector, and any person appointed by virtue of any such arrangements to perform those duties or any of them, shall, subject to the terms of his appointment, have all the functions and liabilities of a district medical officer of health or sanitary inspector, as the case may be.

General provisions as to tenure of office, &c. of medical officers of health and sanitary inspectors.

11.—(1) The following officers, that is to say—

(*a*) a district medical officer of health or a medical officer of health of the port health authority, and

(*b*) the chief or senior sanitary inspector of a borough council or of the port health authority,

shall not be appointed for a limited period only and shall not be removable from office except by, or with the consent of, the Minister.

The Minister shall take into consideration every representation made to him by a sanitary authority or the port health authority for the removal from office of any such officer of the authority as is mentioned in the foregoing provisions of this subsection, whether the

PART I. —*cont.*

representation is based on the general interests of the district, or on the conduct of the officer, or on any other ground.

(2) Without prejudice to the foregoing provisions of this Act, the Minister may make regulations with respect to district medical officers of health and sanitary inspectors (including the medical officer of health and sanitary inspectors of the port health authority), defining the duties to be performed by them, directing the mode of their appointment, determining their qualifications and tenure of office and regulating the amount of their salaries and the time and mode of payment thereof.

Contributions by county council to salaries of medical officers of health and sanitary inspectors.

12. The county council shall, in respect of every medical officer of health or sanitary inspector whose qualifications, appointment, salary and tenure of office are in accordance with the regulations made under the last foregoing section, pay, during his tenure of office, to the authority by whom he was appointed, a sum equal to one-half of his salary; but if—

(*a*) the Minister certifies to the county council that a medical officer of health has failed to send to the Minister such reports and returns as are for the time being required by such regulations as aforesaid, or

(*b*) the said authority have failed to comply with subsection (1) of the last foregoing section,

the said sum shall be forfeited to the Crown and shall be paid to the Exchequer and not to the authority by whom the medical officer of health or sanitary inspector was appointed.

Health Visitors.

Health visitors.

13.—(1) A sanitary authority may appoint suitable women (to be known as health visitors) for the purpose of giving persons advice as to the proper nurture, care and management of young children and the promotion of cleanliness, and for the purpose of performing such other duties, if any, as may be assigned to them in accordance with the provisions of this section.

(2) The Minister may make regulations prescribing the qualifications, mode of appointment, duties, tenure of office and salary of health visitors appointed under this section, and no health visitor shall be so appointed

PART I. —*cont.*

otherwise than in accordance with the regulations made under this subsection.

(3) The county council may pay, by way of contribution towards the salary of a health visitor appointed under this section, sums not exceeding in any one year one-half of her salary.

PART II.

SEWERAGE AND DRAINAGE.

Vesting of sewers in county council and borough councils.

Sewers, &c. vested in county council and borough councils respectively.

14.—(1) There shall be vested in the county council—

(*a*) all sewers and works constructed by them under this Part of this Act; and

(*b*) all sewers and all works, rights and things connected therewith, being sewers, works, rights and things which were, immediately before the commencement of this Act, vested in the council by virtue of the enactments repealed by this Act.

(2) Subject to the provisions of this Part of this Act, there shall be vested in the council of a borough—

(*a*) all sewers in the borough (whether constructed before or after the commencement of this Act, and whether originally constructed as sewers or not), except sewers vested in the county council; and

(*b*) all such works, rights and things in connection with sewers as were, immediately before the commencement of this Act, vested in the council by virtue of the enactments repealed by this Act.

(3) In this section the expression " works, rights and things " includes, in relation to a sewer, the walls, defences, banks, outlets, sluices, flaps, penstocks, gullies, grates, works and things belonging to the sewer and the materials thereof, and all rights of way and passage used and enjoyed by the county council or the borough council, as the case may be, over and to the sewer, works and things, and all other rights concerning, or incidental to, the sewer, works or things.

PART II. —*cont.*

Power of county council to take over sewers not vested in them.

15.—(1) If it appears to the county council that any sewer in the county which is not vested in them ought to be so vested, they may by order declare that sewer to be a sewer vested in them, and thereupon the sewer shall become vested in, and be under the management of, the county council.

(2) The county council may by order transfer to themselves any of the functions of a borough council under this Part of this Act.

Transfer of functions of borough council to county council.

16. If a resolution for transferring to the county council the functions of a borough council under this Part of this Act is passed at a meeting of the borough council specially convened for the purpose of considering the proposed resolution, being a meeting of which not less than fourteen days' notice has been given and at which there are present not less than two-thirds of the total number of members of the borough council, then as from the expiration of one month after notice of the passing of the resolution has been given under the seal of the borough council to the county council, the said functions and all sewers and property vested in the borough council in connection with those functions shall be transferred to, and vested in, the county council:

Provided that no such resolution as aforesaid shall be of any effect unless the county council have previously consented in writing to the transfer proposed by the resolution.

General functions of borough councils in relation to sewerage and drainage.

Construction and maintenance of sewers by borough councils

17.—(1) Subject to the provisions of this Part of this Act, it shall be the duty of the council of a borough—

(*a*) to cause to be made, repaired and maintained such sewers and works, and such diversions or alterations of sewers and works, as are necessary for effectively draining the borough;

(*b*) to repair and maintain all sewers vested in the borough council which have not been duly closed up, destroyed or discontinued; and

(*c*) to cause all banks, wharves, docks and defences (not being flood works or banks as defined by

PART II. —*cont.*
42 & 43 Vict. c. cxcviii.

the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879) abutting on or adjoining any river, stream, canal, pond or watercourse in the borough to be raised, strengthened, altered or repaired, if and in so far as it may be necessary so to do for effectively draining the borough.

(2) A borough council may, for the purpose of performing any of their duties under this section, carry any sewer or works through, across or under any street or any place laid out as, or intended for, a street, or through or under any cellar or vault situate under any street, and into, through or under any land whatsoever, and where it is necessary for the purpose aforesaid to carry any sewer or work outside the county, may, subject as hereinafter provided, execute works outside the county and may maintain, repair and cleanse such works:

Provided that no work shall be executed outside the county by the council of a borough—

(*a*) except in so far as that work will continue, or form part of, a work begun or executed within the borough; or

(*b*) without the previous consent in writing of the county council, and the consent of every sanitary authority and of every county borough council or county district council within whose area any part of the work will be;

but if any such sanitary authority, county borough council or county district council refuse their consent, a Secretary of State shall have power to decide whether the consent ought to be withheld and for that purpose may make such order as he thinks proper.

A borough council shall make compensation for any damage occasioned by the exercise of their powers under this subsection.

Power of borough councils to alter or discontinue use of sewers.

18.—(1) A borough council may enlarge, contract, raise, lower, arch over or otherwise improve or alter any sewer, watercourse or works vested in the council or subject to their control by virtue of this Part of this Act, and may close up or destroy, or discontinue the use of, any such sewer, watercourse or works as aforesaid which they consider to have become unnecessary:

Provided that the powers conferred by this subsection to alter, close up, destroy or discontinue the use of a sewer shall not be exercised in such a manner as to create a nuisance. PART II. —*cont.*

(2) If, by reason of the exercise by a borough council of any of their powers under this section, any person is deprived of the lawful use of a covered sewer, it shall be the duty of the council to provide a sewer or drain as effective for his use as the first-mentioned sewer.

(3) Where a borough council alter a sewer or provide a sewer in lieu of a sewer closed up, destroyed or discontinued, the council may alter any private drain communicating with the sewer so altered or so closed up, destroyed or discontinued, as the case may be, or may close up or destroy the private drain and provide a new drain in lieu thereof, as the circumstances of the sewerage appear to them to require, so however that the altered or substituted drain shall be as effective for the use of the person entitled to use it as the original drain.

Apportionment of cost of altering or improving sewers.

19.—(1) Where, immediately before the first day of January, eighteen hundred and fifty-six, any person was, by prescription, by reason of tenure, or otherwise, liable to maintain or repair any sewer, bank, watercourse or works which is or are within a borough and which the council of the borough consider it necessary to alter or improve, the council may make such alteration or improvement in the sewer, bank, watercourse or works as they think necessary, and may apportion the cost of the alteration or improvement as between the person aforesaid or his successor in title for the time being and the council in such proportions as the council may, by general regulations or by order made as respects the particular case, determine with a view to securing that the first mentioned person or his said successor is charged with a part of that cost equal to the amount of the expense which he would have incurred in discharging his said liability, and that the council are charged with the residue.

(2) Nothing in this Part of this Act shall exempt any person from liability to execute, or to pay the whole cost of executing, any works, being a person who, by prescription, by reason of tenure, or otherwise by law, is liable so to do.

PART II. —*cont.*

(3) This section shall not apply in relation to flood-works or banks as defined by the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879. 42 & 43 Vict. c. cxcviii.

Prevention of effluvia from sewers.

20. The council of a borough shall, by providing traps or other coverings or by ventilation or by such other means as are practicable, prevent the exhalation of effluvia from sewers through gully-holes, gratings or other openings of sewers in any street or place within the borough.

Cleansing of sewers.

21.—(1) A borough council shall cause every sewer vested in them to be so constructed, covered and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed and emptied.

(2) For the purpose of clearing, cleansing and emptying any sewer vested in them, a borough council may construct, whether above or below ground, such reservoirs, sluices, engines and other works as are necessary.

Cleansing of county council's gratings and gullies by borough councils.

22. It shall be the duty of the council of a borough to cleanse every grating and gully in the borough which—

(1) is vested in, or under the control of, the county council; and

(2) is situate in any street, not being a street vested in, and cleansed by, the county council; and

(3) communicates with any sewer vested in the county council.

Expenses of constructing sewers in connection with streets and houses.

23.—(1) Where a borough council construct a sewer in, or for the drainage of, any street to which this subsection applies, or for the drainage of any house erected since the first day of January, eighteen hundred and fifty-six, then, subject to the provisions of the next following subsection, the cost of constructing the sewer and the works appertaining thereto (including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses) shall, in such proportions as the council think just, be charged on, and recoverable by the council from, the owners of the street or house and of the land bounding, or abutting on, the street.

PART II. —*cont.*

The streets to which this subsection applies are—

(*a*) any street formed or laid out after the sixth day of August, eighteen hundred and sixty-two, or any part of such a street;

(*b*) any street, the duty of maintaining the paving and roadway whereof had not, before the seventh day of August, eighteen hundred and sixty-two, been vested in the commissioners, trustees, surveyors or other authorities having control of the pavements or highways in the parish or place in which the street was situate, or any part of such a street; and

(*c*) any street partly formed or laid out.

(2) Where a borough council construct a sewer in any street in which, before the construction of that sewer, there had been no sewer or only an open sewer, but a rate in respect of sewerage was levied, such part of the cost of constructing the sewer and the works appertaining thereto (including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses) as the council may determine shall be charged on, and recoverable by the council from, the owners of the houses situate in, and of the land bounding or abutting on, the street respectively, and the residue of that cost shall be defrayed by the council:

Provided that nothing in this subsection shall authorise the making of any charge in relation to any street or premises in respect of which sewers rates were levied for five years before the year eighteen hundred and fifty-six.

As respects any period beginning on or after the first day of April, nineteen hundred and one, such part (if any) of the general rate levied in the borough as was required to meet expenses in respect of sewerage, shall be deemed, for the purposes of this subsection, to be a rate in respect of sewerage.

(3) In apportioning any cost for the purposes of this section, a borough council may charge the owners of land bounding or abutting on any street in a less proportion than the owners of houses.

PART II. —*cont.*

(4) Notwithstanding anything in the foregoing provisions of this section, the council of a borough may defray any proportion of the cost of, or incidental to, the construction of a sewer as aforesaid, and may at any time defray the whole or any part of the cost of sewering any street in the borough which is not repairable by the council or by the inhabitants at large.

(5) The amount payable under the foregoing provisions of this section by the owner of any premises in respect of the cost of constructing any sewer and works, shall be payable either before the sewer and works are begun, or during their execution, or after their completion, according as the borough council may in each case determine.

(6) Where, in accordance with the foregoing provisions of this section, the owners of any premises have been charged with any sum by reference to the estimated cost of constructing any sewer and works, then—

(*a*) if the actual cost of constructing the sewer and works is less than the estimated cost, the sum charged shall be reduced by the amount of the difference, and the amount, if any, by which the sums paid by the owners in respect of the charge exceeds the amount which they are liable to pay shall be repaid to them by the borough council; or

(*b*) if the actual cost of constructing the sewer and works exceeds the estimated cost, the owners shall be liable to pay to the borough council on demand such further sum as, together with the sums already charged on them, will make up the amount of the actual cost.

(7) Every sum recoverable under this section from the owner of any premises may be recovered from the owner for the time being of the premises.

(8) For the purposes of this section, a borough council may charge as part of the cost or estimated cost of executing any sewerage works in, or in connection with, a street, a commission not exceeding five per cent. of the amount of the said cost or estimated cost, in respect of surveys, superintendence, notices, establishment charges and similar matters, and the provisions of this section

relating to the apportionment, recovery and adjustment of such cost or estimated cost shall have effect accordingly. PART II. —*cont.*

Power of borough councils to substitute drains for ditches.

24.—(1) A borough council may cause any ditch at the side of or across any public road or byway or public footway to be filled up, and a pipe or other drain to be constructed in lieu thereof alongside or across the road, byway or footway, together with appropriate shoots and means of conveying water from the road, byway or footway into the pipe or other drain, and may repair and improve any works executed under this section.

(2) The surface of any land which is made available by the filling up by a borough council of any ditch at the side of or across such a road, byway or footway as aforesaid may, if the council so direct, be added to the road, byway or footway and be repairable as part thereof, and, in a case where the road, byway or footway is vested in the council, be placed under the control of the council, or, in any other case, be placed under the control of the person in charge of the road, byway or footway.

Power of borough councils to stop up streets.

25. The council of a borough may, during the execution by them of any sewerage or other works under this Part of this Act in any street in the borough, close or stop up that street, and may keep the street closed or stopped up for so long as is necessary for the execution of those works:

Provided that, before closing or stopping up a street under this section, the council shall give notice of their intention to close or stop up the street to the council of every borough contiguous to the borough in which the street is situate.

Compensation for interference with right to use of water.

26. Where anything done by a borough council in pursuance of the provisions of this Part of this Act interferes with, or prejudicially affects, any ancient mill or any right connected therewith, or any other right to the use of water, the council shall make compensation to all persons sustaining damage thereby:

Provided that, in lieu of making compensation in respect of any such mill or right, the council may purchase it by agreement.

PART II. —*cont.*

General functions of county council in relation to sewerage.

County council's approval of new sewers.

27. No sewer shall, without the previous approval of the county council, be constructed, either within or outside the county, by a borough council or by any other body having control of sewers within the county.

Duty of county council to construct and maintain sewers.

28.—(1) It shall be the duty of the county council—

(*a*) to construct such sewers and works (including works for deodorising sewage) as they think necessary for securing the effective sewerage and drainage of the county, for improving the main drainage of the county, and for preventing, so far as practicable, the sewage of or within the county, or any part of that sewage, from passing into the River Thames in or near the county;

(*b*) to make such diversions or alterations of the sewers or works vested in them as they think necessary for securing the effective sewerage and drainage of the county;

(*c*) to close up, destroy, or discontinue the use of, such sewers vested in them as they consider unnecessary; and

(*d*) to repair and maintain all sewers vested in them which have not been duly closed up, destroyed or discontinued.

(2) For the purpose of performing any of their duties under this section, the county council—

(*a*) may carry any sewer or work through, across or under any street or any place laid out as, or intended for, a street, or through or under any cellar or vault situate under any street, and into, through or under any land whatsoever (whether the street, place, cellar, vault or land is within or without the county); and

(*b*) subject to the provisions of the next following section, may construct any work through, along, over or under the bed, soil, banks or shores of the River Thames.

PART II. —*cont.*

The county council shall make compensation for any damage to property occasioned by them in the exercise of their powers under this subsection.

(3) The county council may make and maintain such bridges, arches, culverts, passages or roads over, under, by the side of, or leading to or from, any sewerage works constructed by the council or by the Metropolitan Board of Works, as the council consider necessary and convenient for preserving the communications between lands through which the sewerage works have been or may be made or carried; or, in lieu of making and maintaining such bridges, arches, culverts, passages or roads, the council may make agreements with the owners and occupiers of such lands as aforesaid to pay them compensation.

All bridges, arches, culverts or passages made in connection with sewerage works which are vested in the county council, shall be maintained by the council.

Restrictions on construction of drainage works on the Thames and Lee.

29.—(1) The county council shall not, in pursuance of this Part of this Act, execute upon the bed or shores of the River Thames below high-water mark any works which may interfere with the navigation of that river, unless the Board of Trade have previously consented in writing to the execution of those works.

(2) Without prejudice to the provisions of the foregoing subsection, the county council shall not, in pursuance of this Part of this Act, execute upon the banks, bed or shores of the River Thames any works which may interfere with the navigation of that river, unless the Port of London Authority have previously given, in writing under the hand of their secretary, a certificate stating that they have approved the plans of the proposed works and that the works, if executed in accordance with the plans, will not interfere with the navigation of the river.

(3) No works under or over the main navigable channel of the River Lee shall be executed by the county council in pursuance of this Part of this Act, unless—

(*a*) in the case of any work under the navigation, the top of the work is at least twelve feet below high water, Trinity standard, and

(*b*) in the case of any work over any part of the navigation, the soffit of the work is at least

PART II. —*cont.*

eight feet six inches above high water, Trinity standard, with a clear span over the river, inclusive of the towing path thereof, of at least fifty-four feet:

Provided that the Lee Conservancy Board, upon the application of the county council, may, by writing under the common seal of the board, allow a variation of the said dimensions or any of them.

(4) Nothing in this section shall affect the operation of section sixty-four of the Land Drainage Act, 1930.

20 & 21 Geo. 5. c. 44.

Power of county council to stop up streets.

30. The county council may, during the execution of any works by them under this Part of this Act, cause the whole or part of a street or way to be stopped up if and in so far as it may be necessary to do so for the due execution of those works.

Cleansing of sewers and disposal of sewage.

31.—(1) The county council shall cause every sewer vested in them—

(*a*) to be constructed, covered and kept so as not to be a nuisance or injurious to health; and

(*b*) to be properly cleared, cleansed and emptied;

and shall cause all other sewerage works vested in the council to be constructed and kept so as not to be a nuisance.

(2) For the purpose of clearing, cleansing or emptying any sewer vested in them, the county council may construct, whether above or below ground, such reservoirs, sluices, engines and other works as are necessary.

(3) The county council may cause the sewage and refuse from any sewer vested in them to be sold or disposed of as they think fit.

(4) The county council shall, in deodorising any sewage and in disposing of any sewage or refuse from sewers, act in such manner as not to create a nuisance.

(5) A Secretary of State may, upon a representation being made to him that a nuisance is being committed by the county council in deodorising any sewage, or in disposing of any sewage or refuse from sewers, or in executing any works or doing any other thing under this Part of this Act, cause inquiry to be made into the matter of the representation, and take, or direct the taking of, such proceedings as he thinks fit

in order to secure the prevention or abatement of the nuisance. PART II. —*cont.*

Discharge of storm waters.

32.—(1) The county council—

(*a*) may cause storm water to be discharged from any sewer or pumping station for the time being vested in them into Channelsea river or Abbey creek or both, at any point in the county borough of West Ham southward of the bridges respectively carrying Abbey road over the said river and creek; and

(*b*) may permit any storm water discharged under this subsection into the said river or creek to flow thence into Bow creek and thence into the River Thames:

Provided that the council—

(i) shall cause the storm water to be discharged only at such times and in such manner as may be necessary to prevent the flooding of places and premises within the county; and

(ii) shall take all steps to avoid, so far as practicable, the creation of any nuisance in Channelsea river or Abbey creek by reason of the exercise of the powers of the council under this subsection.

(2) The county council shall, at the request of the Lee Conservancy Board, cause to be removed at the expense of the council, by dredging or otherwise to the reasonable satisfaction of the engineer of the said board, any deposit on the bed of Channelsea river or Abbey creek caused by, or arising from, the discharge by the county council of storm water into the said river or creek under this section.

Any dispute arising under this subsection between the county council and the Lee Conservancy Board shall be determined by an arbitrator, who shall, in default of agreement, be appointed by the Board of Trade on the application of either party to the dispute.

(3) Save as otherwise agreed in writing between the county council and the council of the county borough of West Ham (in this subsection referred to as "the

PART II. —*cont.*

borough council") or, as the case may be, the Lee Conservancy Catchment Board (in this subsection referred to as "the board"), the county council, in the exercise of their powers under this section, shall not begin any such part of the works required for the purpose of a storm outlet as may involve interference with any river, sewer, drain, pipe, water-course, river wall, defence or other work which is—

(*a*) under the management or control of the borough council by virtue of the powers transferred to that council under the West Ham Corporation (Improvements) Act, 1888, or

51 & 52 Vict. c. clxxix.

(*b*) under the management or control of the board by virtue of the transfer, under the Land Drainage Act, 1930, of any of the aforesaid powers of the borough council to the board,

unless the county council have given to the borough council or to the board, as the case may be, at least one month's previous notice in writing of the county council's intention to begin that part of the works aforesaid, together with a plan and section thereof; and in respect of that part of the works and the execution and maintenance thereof, the county council shall comply with all such reasonable requirements as may be communicated to them in writing by the borough council or the board within fourteen days after service of the said notice upon them, and that part of the works shall be executed to the reasonable satisfaction of the borough council or the board, and the reasonable expenses incurred by the borough council or the board in connection therewith shall be paid by the county council.

Any dispute arising under this subsection between the county council and the borough council or the board shall be determined by an arbitrator who shall, in default of agreement, be appointed by the President of the Institution of Civil Engineers, on the application of either party to the dispute.

County council's directions to borough councils.

33.—(1) For the purpose of securing the efficient maintenance of the main and general sewerage of the county, the county council shall make such general or special orders as they think proper—

(*a*) for the guidance, direction and control of borough councils in relation to the levels, construction,

PART II. —*cont.*

alteration, maintenance and cleansing of sewers in their respective boroughs;

(*b*) for securing the proper connection and intercommunication of the sewers vested in the several borough councils, and the communications of those sewers with the sewers vested in the county council;

(*c*) generally for the guidance, direction and control of borough councils in the discharge of their functions in relation to sewerage.

(2) Where by an order made under this section at the request of a borough council, the county council direct that a sewer vested in that borough council is, for the purposes of out-fall or otherwise, to be connected with a sewer vested in another borough council, the first-mentioned borough council may execute any works necessary for the purposes of the order at any such place within the county (not being within the city) as may be specified in the order.

(3) All communications which a borough council are required by an order under this section to make with any sewer not vested in them shall be made under the supervision, and to the satisfaction, of the authority in whom that sewer is vested, and such proper compensation or remuneration, if any, for the use of the sewer as the county council may by order direct, shall be paid to the said authority by the borough council.

(4) An order under this section directing payment of compensation or remuneration, may direct that the payment shall be made either in a lump sum or in such instalments, to be paid at such times, as may be specified in the order.

(5) All orders made by the county council under this section shall be binding on borough councils.

Byelaws of county council.

34.—(1) The county council may make byelaws—

(*a*) for regulating the dimensions, form and mode of construction, and the maintenance, cleansing and repair, of pipes, drains and other means of communication with sewers, and the traps and apparatus connected therewith, and for prescribing the levels at which

PART II. —*cont.*

such means of communication, traps and apparatus as aforesaid are to be laid;

(*b*) for the guidance, direction and control of borough councils and all other persons in relation to the levels, dimensions, construction, maintenance, ventilation and cleansing of sewers; for securing the proper connection and intercommunication of the sewers under the control of borough councils and the communications of such sewers with the sewers vested in the county council; and generally for the guidance, direction and control of borough councils in the discharge of their functions in relation to sewerage;

(*c*) for requiring persons who are about to construct, reconstruct, or alter pipes, drains or other means of communication with a sewer, or the traps or apparatus connected therewith, to deposit with the sanitary authority such plans, sections and particulars of the proposed work as may be necessary for the purpose of ascertaining whether it will be in accordance with the enactments relating thereto and the byelaws, if any, in force under this section;

(*d*) generally for carrying this Part of this Act into effect:

Provided that—

(i) paragraph (*b*) of this subsection shall not extend to the city or the liberties thereof except so far as regards the main drainage of the county; and

(ii) byelaws made under paragraph (*c*) of this subsection—

(*a*) shall not require the deposit of plans or sections in the case of any repair which does not involve the alteration or entire reconstruction of any such means of communication as aforesaid or of the traps or apparatus connected with a sewer, and

(*b*) in a case where the alteration of a drain must be carried out at once, shall not

PART II. —*cont.*

require the deposit of plans, sections and particulars of the proposed work before it is begun, but may require the deposit thereof within such period after the commencement of the work as may be specified in the byelaws.

(2) The fines for the imposition of which on persons offending against byelaws under this section provision may be made by such byelaws by virtue of section forty of the London County Council (General Powers) Act, 1934, shall be a fine not exceeding forty shillings for each offence and, in the case of a continuing offence, a further fine not exceeding twenty shillings for each day on which the offence continues after notice thereof has been given to the offender by the borough council.

24 & 25 Geo. 5. c xl.

Transfer of management of part of borough for sewerage and drainage purposes.

35.—(1) If it appears to the county council that any part of a borough is so situate that it would be convenient for the purposes of sewerage and drainage that that part should be placed under the management of the council of an adjoining borough, the county council may by order direct that that part shall, for those purposes, be under the management of that borough council.

(2) Where, by virtue of an order under this section, any part of a borough is placed under the management of the council of an adjoining borough, the sums which that council require for defraying the expenses of executing this Part of this Act in the said part of the first-mentioned borough shall be paid, upon the order of that council, by the council of the first-mentioned borough, and for the purpose of any payment which a borough council are required to make under this subsection, the expenses in respect of which the payment is required shall be treated as expenses incurred by that council in the execution of this Part of this Act.

Transfer of management of streets for sewerage and drainage purposes.

36. Where—

(*a*) a street or line of street is situate in two or more boroughs, or

(*b*) the whole of a street is situate in one borough, but the whole or any part of the buildings abutting on that street is situate in another borough,

PART II. —*cont.*

the county council may order that the street or line of street shall, for the purposes of sewerage or drainage or both, be under the exclusive management of the council of one of the said boroughs, and may by order direct in what proportions the costs of constructing and maintaining any new sewer or drain in the street or line of street, or of reconstructing, repairing or maintaining any sewer or drain therein, are to be borne and defrayed respectively by the councils of those boroughs, and the decision of the county council with respect thereto shall be final.

Drainage of premises.

Drainage in new or rebuilt premises.

37.—(1) It shall not be lawful in a borough—

(*a*) to erect any house or other building, or

(*b*) to rebuild any house or other building which has been pulled down to, or to a level below, the floor commonly called the ground floor,

unless drains conforming with the requirements of this section, and branches thereto, and other works and apparatus in connection therewith, being in each case constructed of such materials and size, at such level, and with such fall, as the council of the borough may approve, and a water supply, are constructed and provided to the satisfaction of the council, so as to be available for the efficient drainage by gravitation of all parts of the house or building, and also of its areas, waterclosets, privies and offices (if any), at all times and under all conditions.

(2) It shall not be lawful to occupy any house or other building in a borough which has been erected or rebuilt in contravention of the foregoing subsection or of section four of the London County Council (General Powers) Act, 1920.

10 & 11 Geo. 5. c. lxxxix.

(3) In order to conform with the requirements of this section, a drain must provide for the drainage of the house or building in connection with which it is required—

(*a*) into such sewer, situate or intended to be constructed near the house, building or site, as the council of the borough may direct; or

PART II. —*cont.*

(*b*) if no sewer is situate or intended to be constructed within one hundred feet of any part of the site of the house or building or of the proposed house or building, as the case may be, into such covered cesspool or other place, not being under any house or other building, as the council may direct.

(4) In rebuilding in a borough any house or building which has been pulled down to, or to a level below, the floor commonly called the ground floor, the level of the lowest floor of the house or building shall, subject to the provisions of the next following subsection, be raised so far as may be necessary to allow of the construction of such works as are required by this section, and for that purpose levels shall be taken and determined under the direction of the council of the borough.

(5) Notwithstanding anything in the foregoing provisions of this section, where it is proposed to erect or rebuild in a borough any house or building at such a level as will not allow of the drainage of all parts of the house or building by gravitation as aforesaid, the council of the borough may, as respects any part of the house or building which cannot be so drained, either—

(*a*) allow that part to be constructed so as not to require drainage therefrom; or

(*b*) allow that part to be drained by means of such pumping or lifting apparatus as may be provided to the satisfaction of the council.

Any pumping or lifting apparatus provided under this subsection shall be deemed to be a drain.

(6) Where separate sewers for the reception of surface water and sewage respectively have been, or are intended to be, provided in any street, the borough council may, in the discharge of their functions under this section in relation to any house or other building which is to be drained into the sewers in that street, require that the house or building be provided with separate drains for discharging surface water and sewage respectively into the appropriate sewers.

(7) Where any drainage alterations are proposed to be made in connection with any house or other

PART II. —*cont.*

building in a borough which existed immediately before the fourth day of August, nineteen hundred and twenty, those alterations may, by agreement between the council of the borough and the owner, or other persons responsible for the drainage, of the house or building, be carried out in accordance with the provisions of this section.

Power of borough council to compel house owner to construct drains into sewer.

38.—(1) Where—

(*a*) any house or other building, whether erected before or after the commencement of this Act, is not drained, to the satisfaction of the council of the borough in which it is situate, by means of a sufficient drain communicating with, and emptying itself into, a sewer, and

(*b*) a sewer of sufficient size is situate within one hundred feet of any part of the house or building and at a lower level than the house or building,

the council may, by a written notice served on the owner of the house or building, require him forthwith or within such reasonable period as the council may determine—

(i) to construct a covered drain from the house or building into such sewer as aforesaid, and such branches to the drain as are adequate for the purposes of draining the house or building and its areas, water-closets, privies and offices (if any) and of conveying the soil, drainage and wash therefrom into the sewer; and to construct the drain and branches of such materials and size, at such level and with such fall, as are adequate for the said purposes; and

(ii) to provide—

(*aa*) proper paved or impermeable sloping surfaces for carrying surface water into the drain or any branches thereto;

(*bb*) proper sinks, and proper inlets and outlets, syphoned or otherwise trapped, for preventing the emission of effluvia from the drain or any branches thereto;

(*cc*) proper water supply and water-supplying pipes, cisterns and apparatus for scouring

PART II. —*cont.*

the drain and any branches thereto, and for causing the drain and any branches thereto to convey away the soil;

(*dd*) proper sand traps, expanding inlets and other apparatus for preventing the entry of improper substances into the drain or any branches thereto; and

(*ee*) all such other proper works and arrangements as appear to the council or their officers necessary to secure the safe and proper working of the drain and to prevent it from obstructing or otherwise injuring, or impeding the action of, the sewer into which it leads.

(2) Where—

(*a*) any house or other building in a borough, whether erected before or after the commencement of this Act, is without sufficient drainage; and

(*b*) there is no proper sewer within two hundred feet of any part of the house or building,

the council of the borough may, with a view to making temporary provision for the drainage of the house or building and for the abatement of any nuisance existing therein or caused thereby, serve on the owner of the house or building a written notice requiring him—

(i) to construct, elsewhere than under a house and not nearer to any house than the council may direct, a covered water-tight cesspool or tank or other suitable receptacle; and

(ii) to construct and lay a covered drain leading from the first-mentioned house or building into that cesspool, tank or other receptacle.

(3) Where a borough council have required any works to be executed under the foregoing provisions of this section, the council may, from time to time during the execution of the works, cause them to be inspected and order such reasonable alterations thereof, additions thereto or abandonment of parts thereof, as the council or their officers, with the fuller knowledge afforded by the opening of the ground, consider necessary to secure that the works will be thoroughly effective for their purpose.

PART II. —*cont.*

(4) Where—

(*a*) it appears to a borough council that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, can more economically or advantageously be drained and improved in combination than separately; and

(*b*) a sewer of sufficient size is situate, or about to be constructed, within one hundred feet of any part of the group or block,

the council may by order require that the group or block be drained and improved, as hereinbefore provided, by a combined operation.

(5) If the owner of any house or building fails to begin any works required by a notice served on him under this section within twenty-eight days after the notice is served on him, or fails thereafter to complete the works with all reasonable dispatch, or fails to comply with an order made under this section in relation to the house or building, the council by whom the notice was given or by whom the order was made, as the case may be, may at their option either—

(*a*) cause the necessary works to be executed and recover from the owner the expenses incurred by them in so doing; or

(*b*) recover as a debt due from the owner to the council a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the failure continues.

Supervision of new drainage works by borough councils.

39.—(1) No person shall—

(*a*) begin to lay or to dig out the foundations of any house or building in a borough, or to rebuild any house or building therein; or

(*b*) begin to make any drain for the purpose of draining directly or indirectly into a sewer under the control of the council of a borough,

unless, at least seven days previously, he has given to the council of the borough written notice of his intention so to do, and if any person begins to lay or to dig out the foundations of any such house or building, or to make any drain for the purpose aforesaid, in contravention of the foregoing provisions of this subsection, he shall be liable to a fine not exceeding five pounds and to a

further fine not exceeding forty shillings for every day thereafter until the notice is given.

(2) If any house or building, or any drain for draining directly or indirectly into a sewer under the control of a borough council, or any branches to such a drain, or any works, apparatus or water supply in connection with such a drain, is or are begun, erected, made or provided in a borough in contravention of the provisions of this Part of this Act or of the corresponding provision of any enactment repealed by this Act, the council at their option may either—

(*a*) cause the house or building to be demolished or altered, or cause the drain or the branches or other works and apparatus in connection therewith, or the water supply, to be relaid, remade, altered or added to, as the case may require, and recover from the owner of the house, building or drain the expenses incurred by them in so doing; or

(*b*) recover from the person in default, as a debt due from him to the council, a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the contravention continues.

Inspection of drains by borough councils.

40.—(1) The council of a borough may inspect any drain in the borough and any works or apparatus connected therewith, and for that purpose may, after twenty-four hours' notice in writing has been served by the council on the occupier of the premises to which the drain, works or apparatus is or are attached, enter the premises at all reasonable times by day, with or without workmen, and cause the ground to be opened wherever they think fit, doing as little damage as may be:

Provided that the powers conferred by this subsection may, in a case of emergency, be exercised notwithstanding that notice has not been given in accordance with the requirements of this subsection.

(2) The powers conferred by the foregoing subsection on a borough council may be exercised by the surveyor or sanitary inspector of the council or by such other person as the council may appoint in that behalf.

PART II. —*cont.*

(3) If, upon an inspection being made under this section, the drain, works and apparatus which are the subject of the inspection are found to be in proper order and condition and to be constructed to the satisfaction of the borough council, the council shall make compensation for any damage or injury occasioned by the inspection and shall cause the drain, works and apparatus to be reinstated and made good as soon as may be at their own expense.

(4) If, upon an inspection being made as aforesaid, any drain appears to be in bad order and condition or to require cleansing, alteration, repair or filling up, the council of the borough shall serve on the owner or the occupier of the premises in respect of which the inspection was made, a written notice requiring him to execute any necessary works forthwith or within such reasonable period as may be specified in the notice; and if the notice is not complied with by the person on whom it is served, the council may at their option either—

(*a*) execute the necessary works, and recover from the owner or occupier of the premises the expenses incurred by them in so doing; or

(*b*) recover from that person, as a debt due from him to the council, a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the non-compliance continues.

(5) If, upon an inspection being made as aforesaid, any drain, or any works or apparatus connected with the drain, is or are found not to have been provided in accordance with the directions or regulations of the council of the borough, or to have been provided in contravention of the provisions of this Part of this Act, or the corresponding provisions of any enactment repealed by this Act, the person by whom the drain, works or apparatus, as the case may be, was or were so provided shall be liable to a fine not exceeding ten pounds; and if, within fourteen days after written notice in that behalf has been served on him by the council, he does not cause the drain, works or apparatus, as the case may be, to be altered or reinstated in accordance with the directions of the council, the council may cause the

necessary work to be done and may recover from the said person the expenses incurred by them in so doing. PART II. —*cont.*

(6) In this section the expression "drain" includes a disused drain.

Power of borough councils to require drainage of courts, &c.

41.—(1) Where the freehold of any court, passage or public place, not being a thoroughfare, is vested in the owner of an adjacent house, the owner shall, if required so to do by the council of the borough in which the court, passage or public place is situate, lay, to the satisfaction of the council, a drain, channel or gutter at a proper level through, over, under or along such part of the court, passage or public place as the council may require, and shall, whenever required by the council so to do, repair the drain, channel or gutter to the satisfaction of the council.

(2) If the owner of any court, passage or public place fails to comply with any requirement of a council under the foregoing subsection within fourteen days after notice in writing requiring him so to do has been served on him by the council, he shall be liable, in proceedings taken by the council, to a fine not exceeding five pounds:

Provided that, in lieu of taking proceedings under the foregoing provisions of this subsection, the council may execute the necessary work and recover from the owner the expenses incurred by them in so doing.

Power of owners and occupiers of premises to construct sewers.

42.—(1) Subject to the provisions of this Part of this Act, the owner or occupier of any premises in a borough may construct at his own expense a sewer for the purpose of draining the premises.

(2) A borough council may contribute towards the expenses incurred by the owner or occupier of any premises in constructing a sewer in the borough for the purpose of draining the premises.

Power of persons to construct drains communicating with sewers.

43. Subject to the provisions of this Part of this Act, any person may at his own expense make or branch any drain into a sewer vested in the county council or in a borough council, or into a sewer authorised to be made by any such council under this Part of this Act:

PART II. —*cont.*

Provided that—

(i) the drain shall be of such size and materials, and branched in such manner and form, as the council in whom the sewer is vested may direct; and

(ii) where any contribution towards the cost of a sewer is payable under this Part of this Act in respect of drainage into that sewer, it shall not be lawful for any person to make or branch any drain into that sewer except in conformity with the order made by the council in whom the sewer is vested with respect to payment of contributions under this Part of this Act.

Power of borough council to construct or alter drains by agreement.

44. A borough council may by agreement with the owner or occupier of any premises, construct or alter any drain which the owner is required to construct or alter, so, however, that the cost of the construction or alteration, as certified by the surveyor of the council, shall be repaid to the council by the owner or the occupier, as the case may be.

Notice of existence of disused drains.

45.—(1) The owner or (in default of the owner) the occupier of any premises in a borough shall, forthwith after it comes to his knowledge that there is any disused drain in, under or attached to the premises, give written notice of the existence of the disused drain to the council of the borough.

(2) If any person fails to comply with the foregoing subsection, he shall be liable to a fine not exceeding five pounds:

Provided that, in any proceedings against the occupier of any premises in respect of a failure to give a notice in accordance with this section, it shall be a good defence to prove that the occupier had reasonable cause to believe that the notice had been given by the owner.

(3) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

Regulation of construction of sewers and communications therewith.

PART II. —*cont.*

Supervision by county council of sewers made by borough councils.

46.—(1) Where a borough council propose to construct a sewer, they shall, before beginning any works for that purpose, submit to the county council a plan of the street or place in which it is proposed to construct the sewer, and the sewer and the works in connection therewith shall not be proceeded with except with the written approval, and in accordance with the directions, of the county council.

(2) Every plan submitted under this section in relation to a proposed sewer shall show the position, course and dimensions of the sewer, with sections thereof, and such other particulars in relation thereto as the county council may require, and shall be drawn to such convenient scale as the county council may direct.

Supervision by county council of connections with their sewers.

47. A borough council shall, at least three clear days before connecting any sewer or drain with a sewer vested in the county council, give written notice of their intention so to do to the county council, and the necessary junction or connection shall be made to the satisfaction of the county council.

Control of connections with county council's sewers.

48.—(1) No person shall make or branch any sewer or drain into a sewer vested in the county council until he has obtained the written consent of the county council and of the council of the borough in which the last-mentioned sewer is situate, and no person shall make any opening into a sewer vested in the county council until he has obtained the written consent of the county council.

(2) The applicant for the consent of a borough council under this section to the making or branching of a sewer shall submit to the council a plan and section of the sewer proposed to be made or branched.

(3) A borough council shall, before consenting under this section to the making or branching of a sewer, submit the plan and section thereof to the county council for their approval, in the same manner as if the sewer were about to be constructed by the borough council, and the borough council shall not consent to the making

PART II. —*cont.*

or branching of the sewer until they have obtained the written approval of the county council.

(4) Every application for a consent of a borough council under this section to the making or branching of a drain shall be in writing, shall be made at least seven clear days before any works for the purpose of making or branching the drain are begun, and shall be accompanied by a plan showing such particulars as may be required by any byelaw or directions of the county council.

Control of connections with borough council's sewers.

49.—(1) No person shall make or branch any sewer or drain, or make any opening, into a sewer vested in a borough council, until he has obtained the written consent of that council.

(2) The applicant for a consent of a borough council under this section to the making or branching of a sewer shall submit to that council a plan and section of the sewer proposed to be made or branched, and the borough council shall, before consenting under this section to the making or branching of a sewer, submit the plan and section thereof to the county council for their approval, in the same manner as if the sewer were about to be constructed by the borough council, and shall not consent to the making or branching of the sewer until they have obtained the written approval of the county council.

Restrictions on alteration, &c. of plans for sewers.

50.—(1) Where, in pursuance of the foregoing provisions of this Part of this Act, the county council have approved any plan for a sewer, the work shall not be carried out otherwise than in accordance with that plan, or abandoned in any respect, without the previous approval in writing of the county council and (if the person carrying out or abandoning the work is not the council of the borough in which the work is, or was proposed to be, carried out) the previous consent in writing of the council of that borough.

(2) Every application for a consent or approval under the foregoing subsection to any proposed alteration or abandonment of work shall be accompanied by plans and sections showing the nature of the proposal.

PART II. —*cont.*

(3) A borough council shall, before consenting under this section to any proposed alteration or abandonment, submit plans and sections thereof to the county council for their approval, and the borough council shall not consent to the alteration or abandonment until they have obtained the written approval of the county council.

Delay in execution of sewerage works.

51. If any works which have been approved by the county council in connection with the making or branching of a sewer are not executed within twelve months from the date on which they were so approved, the works shall not be proceeded with without the further written approval of the county council given upon application made in the manner required in connection with the original approval of the council.

Unlawful making or branching of sewers and drains.

52.—(1) If any person makes a sewer, or branches a sewer or drain, into a sewer vested in the county council or in a borough council, or causes a sewer or drain to be made or branched into a sewer so vested,—

(*a*) without the previous consent in writing of the county council or the borough council, as the case may be; or

(*b*) otherwise than in accordance with the plans and sections (if any) approved by the county council under the foregoing provisions of this Part of this Act,

he shall be liable to a fine not exceeding fifty pounds.

(2) If any person—

(*a*) makes any opening into a sewer vested in the county council or in a borough council, without the previous consent in writing of the council in whom the sewer is vested; or

(*b*) makes or branches any drain, or causes any drain to be made or branched, into such a sewer as aforesaid otherwise than in accordance with such directions as may be given by the county council or the borough council, as the

PART II. —*cont.*

case may be, in respect of the construction, size, materials and form of the drain, and in respect of the mode of making or branching it,

he shall be liable to a fine not exceeding fifty pounds.

(3) The county council or a borough council may, in a case where a drain has, without their previous approval in writing, been made or branched in contravention of any of the foregoing provisions of this Part of this Act, either cut off the connection between the drain and the sewer or carry out the work necessary for making the drain conform with the requirements of their regulations or directions, and may recover the expense incurred by them in so doing from the person who made or branched the drain as aforesaid or caused it to be so made or branched.

(4) Where any sewer has been made, or any sewer or drain branched, into a sewer in contravention of the foregoing provisions of this Part of this Act, the county council or the borough council, as the case may be, may, by written notice served on the owner of any premises connected with the sewer or drain so made or branched or, if there are no such premises, on the owner of the land in which the sewer or drain is placed, require that owner forthwith to remove it or to reconstruct it, at his own expense, to the satisfaction of the council and in accordance with the plans and sections (if any) approved by the county council as aforesaid.

(5) If any person fails to comply with a notice served on him under this section, he shall be guilty of an offence and liable to a fine not exceeding five pounds for every day during which the offence continues, and the council by whom the notice was served may execute the work necessary for compliance with the notice, and may recover the expenses incurred by them in so doing from the person who made or branched the sewer or drain to which the notice relates or from the person on whom the notice was served; so however that if the notice was served on two or more owners of premises and those premises were, at the time when the work was

PART II. —*cont.*

begun by the council, connected with the sewer in respect of which the notice was served, the expenses aforesaid shall be apportioned among, and recoverable from, those owners in proportion to the net annual value of their several premises which were so connected.

(6) Where, in accordance with the foregoing provisions of this section, any owner of premises or land pays any sum to a council in consequence of the making or branching of a sewer or drain, he shall be entitled to recover the amount of that sum from the person by whom the sewer or drain was made or branched or who caused it to be so made or branched.

Unlawful alteration, &c. of sewers or drains.

53.—(1) If any person—

(*a*) in a case where a borough council have ordered that a sewer or drain be not made or be demolished or stopped up, constructs, rebuilds or unstops the sewer or drain, as the case may be, without the consent of the council; or

(*b*) destroys any works or apparatus connected with a drain in a borough; or

(*c*) without the consent of the borough council, breaks into any sewer vested in that council,

that person shall be liable to a fine not exceeding ten pounds; and if, within fourteen days after written notice in that behalf has been served on him by the borough council, he does not cause the sewer or drain to be demolished or stopped up, or the works or apparatus to be restored, as the case may be, the council may cause the necessary work to be done and may recover from him the expenses incurred by them in so doing.

(2) In this section the expression "drain" includes a disused drain.

Contribution towards expenses of constructing certain sewers.

54.—(1) Where any drain is made or branched into a sewer in the county, being a sewer—

(*a*) which is vested in the county council or in a borough council and has been constructed at the expense of some person other than the council

PART II. —*cont.*

in whom it is vested or their predecessors (not being a sewer constructed before the fourth day of September, eighteen hundred and thirteen); or

(*b*) which is under the control of some other body and has been constructed at the expense of some person other than that body or their predecessors (not being a sewer constructed before the year eighteen hundred and fifty-six),

the council or body, as the case may be, may by order require the owner of the premises to which the drain belongs to pay to them such sum as they think proper as a contribution towards the expenses incurred in the construction of the sewer, and upon receiving that sum, shall pay it to the person at whose expense the sewer was constructed.

(2) Every sum payable by virtue of an order made under this section shall be recoverable from the owner for the time being of the premises to which the order relates.

(3) Where any council or body other than the county council make an order under this section providing for payment of any contribution by instalments, they shall forthwith transmit to the county council a copy of the order, or of the resolution for the making thereof, and such other particulars in relation thereto as the county council may require.

(4) The county council shall keep a register of all orders under this section providing for the payment of any contribution by instalments, and the said register shall, as respects every order required to be registered therein, contain particulars of—

(*a*) the premises by the owner of which the contribution is payable; and

(*b*) the amounts of the instalments and the period for which they are payable,

and such other particulars as are necessary.

(5) The register kept under this section shall, during office hours, be open to inspection by any person interested free of charge.

PART II. —*cont.*

Construction of portions of private drains by sewerage authorities.

55. Where, for the purpose of making or branching any private drain into a sewer or drain vested in the county council or in a borough council, it is necessary to open any part of a street or public place, the council may make so much of the private drain, and construct so much of the work necessary for branching it into the public sewers, as is in or under any street, and may recover from the owner of the premises to which the private drain belongs the expenses incurred by the council in so doing.

Provisions for the protection of sewers and drains.

Discharge of solid matter and refuse into county council's sewers.

56.—(1) If any person—

(*a*) places or throws any solid matter, mud or refuse (except such as is contained in ordinary house sewage) in or into any sewer vested in the county council or any sewer, drain, dock or inlet communicating with a sewer so vested, or over any grate communicating with any such sewer or drain, or

(*b*) causes any such matter, mud or refuse to be placed or thrown or to fall, or knowingly permits any such matter, mud or refuse to be placed or to fall or to be carried, in or into any such sewer, drain, dock or inlet, or over any such grate, as aforesaid, or

(*c*) causes or knowingly permits any such matter, mud or refuse to be placed in such a position as to be liable to fall or be carried as aforesaid,

that person shall be guilty of an offence and liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(2) Proceedings in respect of an offence under this section shall be taken by the county council only, and the council shall not be bound to take such proceedings in any case where, in their opinion, the matter, mud or refuse in respect of which such an offence has been committed can be received into the sewers without risk of causing damage thereto or obstruction therein, or of prejudicially

PART II. —*cont.*

affecting the health of any person employed in the sewers or otherwise.

Discharge of offensive liquid refuse into county council's sewers.

57.—(1) If any person causes any matter to which this section applies to enter, or permits any such matter to enter, into any sewer vested in the county council or into any sewer or drain communicating with a sewer so vested, he shall be guilty of an offence and liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(2) Proceedings in respect of an offence under this section shall be taken by the county council only, and no such proceedings shall be taken in respect of the entry of any matter into a sewer or drain except in pursuance of a recommendation of the committee of the council charged with the management of the sewers, after a report from a county medical officer of health or an engineer of the council describing—

(*a*) the matter alleged to be causing a nuisance or to be dangerous or injurious; and

(*b*) the nature of the nuisance, danger or injury alleged to be caused thereby.

(3) The matters to which this section applies are—

(*a*) any chemical, manufacturing, trade or other refuse (not being solid matter or refuse to which the last foregoing section applies), and

(*b*) any waste steam or any condensing water, heated water or other liquid, being water or liquid of a higher temperature than one hundred and ten degrees Fahrenheit,

which, either alone or in combination with any other matter in a sewer, may cause a nuisance or involve danger to, or injury to the health of, persons entering the sewer or injury to the structure or materials of the sewers and works vested in the county council.

Power of county council to prohibit discharge of certain matter into sewers.

58.—(1) If, in the opinion of the county council, the introduction, whether directly or indirectly, of any matter to which the last foregoing section applies into any sewer either does or will involve danger to, or injury to the health of, persons entering the sewer, or injury to the structure or materials thereof, the council may by

order direct that no person shall cause or permit that matter to enter into the sewer directly or indirectly. PART II. —*cont.*

(2) The county council may at any time cause a copy of an order under this section to be served on any person who, in the opinion of the council, is contravening the order.

(3) If any person upon whom a copy of an order under this section has been served disputes the reasonableness of the order in relation to himself or in relation to any works or premises under his control, he may apply to the Minister for the appointment of an arbitrator to determine the matter in dispute, and thereupon the matter shall be referred to an arbitrator appointed by the Minister, and the arbitrator may by his award—

(*a*) determine that the order ought not to be enforced as against the person disputing the reasonableness thereof; or

(*b*) determine that the order ought to be so enforced subject to such modifications or conditions (if any) as the arbitrator thinks fit to make or impose;

and may also by his award determine that the person aforesaid ought to be allowed reasonable time in which to execute any works or alterations of premises which may be necessary to prevent the introduction into any sewer of the matter specified in the order; and the order shall have effect subject to any such determination.

(4) Every person who contravenes an order under this section after service of a copy thereof upon him or, in the event of a reference under this section with respect to the order, after the making of the arbitrator's award thereon, shall be guilty of an offence and liable to a fine not exceeding twenty pounds, and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

Entry and inspection of premises.

59.—(1) Subject to the provisions of the next following section, any officer of the county council generally or specially authorised in writing in that behalf, may enter any premises at all reasonable times for the purpose of ascertaining whether the provisions of any of the last three foregoing sections are being contravened.

PART II. —*cont.*

(2) Every person who refuses to permit such an officer, after production of his authority, to enter any premises, or obstructs such an officer in the discharge of his functions under this section, shall be liable to a fine not exceeding twenty pounds.

Special provisions as to certain railways of London Passenger Transport Board.

60.—(1) Nothing in the last four preceding sections shall apply in relation to heated water discharged from railway engines on any part of the railways belonging to, or worked over by, the London Passenger Transport Board as the successors of the Metropolitan Railway Company or of the Metropolitan District Railway Company, if reasonable provision is made, to the satisfaction of the Minister of Transport, either in or in connection with a sewer vested in the county council or a sewer or drain communicating with a sewer so vested, for securing that the temperature of the heated water does not exceed one hundred and ten degrees Fahrenheit at such distance from the point of discharge into any sewer, not being more than fifty feet from that point, as may be agreed upon by the council and the said board or, in default of agreement, considered reasonable by the Minister of Transport.

(2) The county council shall afford all needful facilities for the execution or provision of any works or appliances for the purposes of this section in any sewer vested in the council, and all such works shall be constructed and maintained by the council to the reasonable satisfaction of the engineer of the London Passenger Transport Board, and the amount of the expenses reasonably incurred in connection therewith, which shall, in case of dispute, be ascertained by an arbitrator appointed by the Minister of Transport on the application of either party to the dispute, shall be paid by the London Passenger Transport Board to the council on demand.

(3) The London Passenger Transport Board shall afford reasonable facilities for enabling any officer of the county council duly authorised in writing, to inspect, at convenient times having regard to the safety of the public and the exigencies of the traffic, the engine pits on the board's railway premises and the connections on those premises with sewers and drains, the inspection being for the purpose only of ascertaining whether such

of the provisions of the last four preceding sections as are applicable in relation to the board are being complied with: PART II. —*cont.*

Provided that the officer shall not be entitled—

(*a*) to require any interruption or obstruction of the working of the traffic on the railway; or

(*b*) to go onto any part of the railway except after twenty-four hours' notice in writing to the board of his intention to do so.

(4) The provisions of Part I of the Board of Trade Arbitrations, &c., Act, 1874, shall have effect for the purposes of this section as if references to the Minister of Transport were substituted in that Part of the said Act for the references to the Board of Trade. 37 & 38 Vict. c. 40.

61. Nothing in the last five preceding sections shall— Savings.

(*a*) be taken to prohibit the introduction into any sewer of water or liquid used for washing casks or other vessels at any brewery, if the water or liquid is not at a temperature exceeding one hundred and ten degrees Fahrenheit and does not contain a greater proportion than three per cent. of solid refuse; or

(*b*) prevent a borough council placing snow in any sewer vested in them, if arrangements are made to prevent the obstruction of any sewer and to prevent any solid matter from passing into any sewer vested in the county council; or

(*c*) authorise the taking of proceedings against the common council or a borough council for flushing or washing the surface of any street or place under their control, or for removing mud or proper sewage deposit from any sewer under their control by flushing it with water, if the street or place, or the streets, places and gullies respectively draining into, and communicating with, the sewer, as the case may be, have previously been properly swept and cleansed, and the solid matter, mud and refuse have been removed therefrom so far as is reasonably practicable.

PART II. —*cont.*

Discharge of petroleum, &c. into county council's sewers.

62.—(1) Every person who (whether within or outside the county) wilfully or negligently empties, turns or permits to enter into any sewer vested in the county council, or into any sewer or drain communicating directly or indirectly with a sewer so vested, any petroleum, petroleum-spirit or carbide of calcium shall be guilty of an offence and liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(2) Any officer of the county council generally or specially authorised in writing in that behalf may at any reasonable time enter any premises (whether within or outside the county) for the purpose of ascertaining whether the provisions of this section are being contravened; and every person who refuses to permit such an officer, after production of his authority, to enter any premises, or obstructs such an officer in carrying out his duties under this subsection, shall be liable to a fine not exceeding twenty pounds:

Provided that the powers conferred by this subsection shall not be exercised in respect of any premises in the area of a local authority who have adopted section forty-one of the Public Health Act, 1925, unless—

15 & 16 Geo. 5. c. 71.

(*a*) the county council have previously, by notice in writing, required that local authority to exercise in respect of those premises the powers of entry conferred upon them by the Public Health Act, 1875, and to report to the county council whether an offence under the said section forty-one has been committed by any person on the premises; and

(*b*) the local authority have neglected for a period of fourteen days so to report.

(3) Proceedings in respect of an offence under this section shall be taken by the county council only; and no such proceedings shall be taken in respect of any premises in the area of a local authority who have adopted section forty-one of the Public Health Act, 1925, unless (in the event of that local authority reporting that an offence under that section has been committed by any person) the local authority neglect, for a period of

fourteen days after so reporting, to take proceedings against that person in respect of the offence. PART II. —*cont.*

(4) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the county council.

(5) Nothing in this section shall authorise the taking of proceedings against the municipal corporation of the county borough of Croydon or the municipal corporation of the county borough of West Ham, by reason only of their being the owners of a sewer or drain by means of which any petroleum, petroleum-spirit or carbide of calcium enters into a sewer vested in the county council.

(6) In this section—

(*a*) the expression "petroleum" means crude petroleum or any oil made from petroleum or from coal, shale, peat or other bituminous substances; and

(*b*) the expression "petroleum-spirit" means—

(i) any product of petroleum which, when tested in accordance with Part II of the Second Schedule to the Petroleum (Consolidation) Act, 1928, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit; or 18 & 19 Geo. 5. c. 32.

(ii) any mixture containing petroleum which, when tested in accordance with Part II of the Second Schedule to the Petroleum (Consolidation) Act, 1928, as modified by any Order in Council made under that Act, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

(7) The expenses incurred by the county council in pursuance of this section shall be defrayed as expenses for general or special county purposes, according as the council may decide.

63. If any person sweeps, rakes, or places any soil, rubbish or filth or any other matter— Prohibition of sweeping dirt into sewers.

(*a*) into or in any sewer or drain; or

PART II. —*cont.*

(*b*) over any grate communicating with any sewer or drain; or

(*c*) into any dock or inlet which communicates with the mouth of any sewer or drain or into which any sewer or drain may discharge its contents; or

(*d*) into the River Thames contiguous to the mouth of any sewer or drain or to any such dock or inlet,

he shall be liable to a fine not exceeding five pounds.

Prevention of obstruction of sewers by soil or refuse.

64.—(1) A borough council may serve on the owner or occupier of any land abutting on a street vested in, or repairable by, the council a notice requiring him, within the period of twenty-eight days from the service of the notice, so to fence off, channel or embank the land as to prevent soil or refuse therefrom falling upon, or being washed or carried into, any sewer or gully in the street in such quantities as to choke up the sewer or gully, and the notice shall specify the works to be executed.

(2) If any person fails to comply with the requirements of a notice served on him in accordance with this section, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) Any person who considers himself aggrieved by any requirement contained in a notice served on him under this section, may appeal to the next practicable court of quarter sessions in the manner prescribed by the Summary Jurisdiction Acts.

(4) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

Restriction on trapping gullies connected with county council's sewers.

65. No gully or ventilating shaft immediately connected with, or appertaining to, any sewer vested in the county council shall be trapped, covered or closed up, unless notice in writing has previously been given to the council, nor if the council or their engineer object thereto

in writing within one week after the notice aforesaid has been given.

PART II. —*cont.*

Penalty for encroaching on sewers.

66.—(1) If any person—

(*a*) knowingly erects or places any building, wall, bridge, fence, obstruction or encroachment in, on, over or under any sewer vested in the county council or in a borough council; or

(*b*) obstructs, fills in or diverts any sewer or drain vested in, or under the control of, the county council or a borough council,

without the previous consent in writing of the county council or the borough council, as the case may be, then, without prejudice to any other proceedings which may be taken against him, the council concerned may recover from him, as a debt due from him to the council, a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds for every day on which the contravention continues after notice thereof has been served on him by the council; and the council concerned may demolish and remove the building, wall, bridge, fence, obstruction or encroachment, and execute any works necessary for re-opening, restoring, repairing or reinstating the sewer or drain, as the case may be, and may recover from the offender the expenses incurred by them in so doing.

(2) Nothing in this section shall prevent or impede the maintenance, repair or renewal of any building or works under which a sewer or drain has been constructed, so however that the building or works shall not injure or obstruct the sewer or drain.

Penalty for interference with sewers.

67. If any person—

(1) removes, demolishes or otherwise interferes with any sewer or part of a sewer vested in the county council or in a borough council, without the previous consent in writing of the county council or borough council, as the case may be, or

(2) wilfully damages any sewer, bank, defence, wall, penstock, grating, gully, side entrance, tide valve, flap, work or thing vested in the county council or in a borough council, or

PART II. —*cont.*

(3) does anything by reason of which the drainage of the county or any part thereof may be obstructed or damaged,

the council concerned may recover from that person, as a debt due from him to the council, a penalty not exceeding twenty pounds, and also the amount of the expenses incurred by that council in repairing, restoring or reinstating the sewer or other work or thing removed, demolished, interfered with, damaged or obstructed, as the case may be.

Punishment of trespassers in sewers.

68.—(1) Every person found in, or attempting to enter, any sewer vested in the county council or in a borough council, without the permission of the council in whom the sewer is vested, shall be liable to a fine not exceeding forty shillings.

(2) Any person found in, or attempting to enter, any such sewer as aforesaid without the permission of the council in whom it is vested may be removed from the sewer by any officer of that council, and in the event of the name and address of that person not being known, the officer may detain him and hand him over to a police constable.

Supplementary powers of county council and borough councils.

Power to purchase lands, &c.

69.—(1) Without prejudice to the generality of the enactments relating to the acquisition of land by the councils of counties or boroughs, the county council and any borough council may—

(*a*) contract for the purchase, removal or abatement of any milldam, pound, weir, bank, wall, lock or other obstruction to the flow of water whereby sewerage or drainage is interrupted or impeded, and for the purchase of any land, or any right or easement in or over any land, which it may be necessary or expedient to purchase for the purpose of preventing the obstruction of sewerage or drainage;

(*b*) purchase or take on lease the whole or any part of any stream or spring of water or any rights therein, which it appears to them necessary to acquire and use for the purpose of

cleansing sewers and drains or for any other purposes of this Part of this Act;

(*c*) purchase or take on lease any land which the council consider it advisable to purchase or take on lease for the purpose of drawing or obtaining water from springs or by sinking of wells, and for making and providing reservoirs, tanks, aqueducts, water-courses and other works, or for any other purpose connected with the works for obtaining such supply of water as aforesaid:

Provided that nothing in this section shall authorise any council to use any works executed by them under this Part of this Act, or permit such works to be used, for the purpose of carrying water by supply pipes into any house or factory for domestic, manufacturing or commercial purposes.

(2) For the purpose of enabling the county council or a borough council to acquire any land, or any right or easement in or over land, which the council propose to acquire for the purposes of this Part of this Act, the Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the recovery of forfeitures, penalties and costs) shall be incorporated with this Act; and the provisions of the said Acts so incorporated with this Act which would be applicable in the case of a purchase of land shall be applicable in the case of a purchase of a right or easement in or over land:

8 & 9 Vict. c. 18.

Provided that—

(i) this subsection shall not authorise a borough council to acquire compulsorily any land or any right or easement in or over land, and shall not authorise the county council so to acquire any land or any right or easement in or over land except with the written consent of the Secretary of State; and

(ii) for the purposes of this Part of this Act the expression "the promoters of the undertaking", wherever used in the Lands Clauses Acts, shall be construed as meaning the county council or the borough council, as the case may be.

PART II. —*cont.*

(3) The county council, before applying for the consent of the Secretary of State to the compulsory acquisition of any land, or any right or easement in or over land, shall—

(*a*) publish, once at least in each of four consecutive weeks, in a daily newspaper published in the county, a notice describing the nature of the proposed works, naming a place where a plan of the proposed works will be open to inspection at all reasonable times, and stating the amount of land, or the particulars of the right or easement, proposed to be acquired; and

(*b*) at least four weeks before making the application, serve a notice on the owners or reputed owners, lessees or reputed lessees, and occupiers, of the land proposed to be acquired or of the land in or over which they propose to acquire a right or easement, stating the particulars of the land, right or easement proposed to be acquired, and that the council are willing to treat for the acquisition thereof, and as to the compensation to be made for the damage that may be sustained by reason of the proposed works.

Borrowing powers.

70. Without prejudice to any power of the county council to borrow, a borough council may borrow for the purpose of defraying any expenditure incurred or to be incurred by the borough council in the execution of the foregoing provisions of this Part of this Act.

Miscellaneous Provisions.

Appeals from borough councils to county council.

71. Any person who considers himself aggrieved—

(*a*) by any order made or act done under this Part of this Act by a borough council in relation to the construction, repair, alteration, stopping or filling up or demolition of any sewer, drain or building, or

(*b*) by any order made under this Part of this Act by a borough council in relation to the level of a building, or

(*c*) by any order or resolution made or passed by a borough council for the purposes of

section twenty-three of this Act, with respect to the payment of expenses incurred by the council in connection with the construction of a sewer, PART II. —*cont.*

may, within seven days after service of notice of the order or resolution on the occupier of the premises affected thereby or after the doing of the act, as the case may be, appeal to the county council.

Proceedings before a single justice. 11 & 12 Vict. c. 43. 42 & 43 Vict. c. 49.

72. Without prejudice to the effect of sections thirty-three and thirty-four of the Summary Jurisdiction Act, 1848, and subsection (10) of section twenty of the Summary Jurisdiction Act, 1879, there may be heard and determined by a single justice summary proceedings taken by virtue of any of the provisions of this Part of this Act other than those specified in Part III of the First Schedule to this Act.

Application of fines and recovery of penalties. 4 & 5 Geo. 5. c. 58.

73.—(1) Save as otherwise provided in this Part of this Act, every fine recovered in criminal proceedings taken by virtue of any of the provisions of this Part of this Act other than those specified in Part IV of the First Schedule to this Act, shall, subject to the provisions of section five of the Criminal Justice Administration Act, 1914, be applied in the following manner, that is to say :—

(*a*) if the informer was the county council or a borough council, the whole amount recovered on account of the fine shall be paid to the informer; or

(*b*) in any other case, one half of the said amount shall be paid to the informer, and the remainder shall be paid to the council of the borough in which the offence was committed or, if damage has been sustained by the county council by reason of the offence or if the offence was committed in relation to the county council, be paid to that council :

Provided that, subject to the provisions of the said section five, the whole of any fine imposed on a borough council shall be paid to the informer.

(2) Any penalty which, under any of the provisions of this Part of this Act, may be recovered as a debt shall be recoverable either by action or summarily.

PART II. —*cont.* Service of documents under Part II.

74.—(1) Subject to the provisions of this section, any document which, under any of the provisions of this Part of this Act other than those specified in Part V of the First Schedule to this Act, or the provisions of any Act which, for the purposes of this Part of this Act, is incorporated with this Act, is required or authorised to be served by or on behalf of the county council or a borough council, or by an officer of the county council or of a borough council, shall be deemed to be duly served—

(*a*) where the person to be served is a company, if the document is addressed to the secretary of the company at their registered office or at their principal office or place of business, and is either—

(i) sent by post, or

(ii) delivered at the registered office, or at the principal office or place of business, of the company;

(*b*) where the person to be served is a partnership, if the document is addressed to the partnership at their principal place of business, identifying them by the name or style under which their business is carried on, and is either—

(i) sent by post, or

(ii) delivered at the said place of business;

(*c*) where the person to be served is a local, sanitary or public authority, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of the authority, corporation, society or body, at their principal office, and is either—

(i) sent by post, or

(ii) delivered at that office; or

(*d*) in any other case, if the document is sent by post addressed to the person to be served, or delivered to that person or at his residence or place of business.

PART II. —*cont.*

(2) Any such document as aforesaid which is required or authorised to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier", as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

(*a*) if the notice so addressed is sent or delivered in accordance with paragraph (*d*) of the foregoing subsection, or

(*b*) if the notice so addressed, or a copy thereof so addressed, is delivered to some person on the premises or, where there is no person on the premises to whom it can be delivered, is affixed to some conspicuous part of the premises.

(3) A notice to treat under section eighteen of the Lands Clauses Consolidation Act, 1845, as incorporated with this Act for the purposes of this Part of this Act, shall, if served by post, be served by registered post. 8 & 9 Vict. c. 18.

(4) Where such a document as is mentioned in subsection (1) of this section is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(5) For the purpose of proving the service by post of any such document as aforesaid, it shall (except where the document is sent by registered post) be sufficient to prove that the document was properly addressed and was put into the post.

(6) Any such document as is mentioned in subsection (1) of this section shall be deemed to be sufficiently authenticated if it is signed by the clerk of the county council or the town clerk of the borough, as the case may be, or if it bears in writing the name of the said clerk or town clerk.

(7) For the purposes of this section, a document shall be deemed to be a document which is required or authorised to be served on a person if it is required or authorised to be notified, given or transmitted, or (in the case of a demand) if it is required or authorised to be made, to that person, and in this section the expressions "served" and "service" shall be construed accordingly.

PART II. —*cont.*

Application of certain provisions of the Metropolis Management Acts, 1855 & 1862.

75. The provisions of the Metropolis Management Act, 1855, and of the Metropolis Management Amendment Act, 1862, specified in Part I of the Second Schedule to this Act, shall, as amended by this Act or by any subsequent enactment, apply for the purposes of this Part of this Act as they apply for the purposes of those Acts:

18 & 19 Vict. c. 120. 25 & 26 Vict. c. 102.

Provided that nothing in this section shall exempt from the operation of the provisions of this Part of this Act relating to sewerage and house drainage—

14 & 15 Vict. c. 95.

(*a*) the streets and places in the neighbourhood of the Houses of Parliament delineated on a plan marked "E" referred to in the Crown Estate Paving Act, 1851, and the district the management of which was by that Act transferred to the commissioners for carrying that Act into effect; or

(*b*) the parts of the borough of Holborn to which a local Act of the fifth and sixth years of Her late Majesty Queen Victoria, chapter forty-eight, for paving, lighting, watching, cleansing and improving Ely Place and Ely Mews, Holborn, in the County of Middlesex, extends.

Saving for common council.

76. Nothing in this Part of this Act shall affect the powers or rights of the common council in relation to the sewerage and drainage of the city.

Saving for Port of London Authority.

77. Nothing in this Part of this Act shall be taken to affect any of the rights and powers of the Port of London Authority, so far as such rights and powers may be exercised for the purpose of preserving the free navigation of the River Thames and were exercisable, immediately before the second day of August, eighteen hundred and fifty-eight, by the Conservators of the River Thames.

Protection for railway or canal companies.

78.—(1) The county council or a borough council shall, before beginning to execute under this Part of this Act any works which will interfere with a railway or canal, serve on the company owning the railway or canal a notice of the council's intention so to do, together

PART II. —*cont.*

with a plan and section showing the nature of the interference; and if, within seven days after the receipt of the notice, the company make to the council concerned a written objection to the manner in which it is intended to interfere with the railway or canal, as the case may be, on the ground that the interference will probably interrupt or endanger traffic thereon, the works shall not be executed except in accordance with this section.

(2) In the event of any objection being made under the foregoing subsection with regard to any works, the question of the mode of executing the works shall be referred for determination to an engineer, who shall be appointed, on the application of either party, by the Minister of Transport.

(3) Nothing in this Part of this Act shall authorise the county council or a borough council to alter the level of any railway or canal without the consent of the company owning it or, if that consent is refused, without the consent of the Minister of Transport, and nothing in this Part of this Act shall affect the right of any railway or canal company to be compensated—

(*a*) for the taking or injurious affection of any property of the company; or

(*b*) for any interruption of the traffic on the railway or canal, as the case may be; or

(*c*) for any damages, costs or expenses which the company may become liable to pay by reason of any such interruption.

(4) The provisions of Part I of the Board of Trade Arbitrations, &c., Act, 1874, shall have effect for the purposes of this section as if references to the Minister of Transport were substituted in that Part of the said Act for the references to the Board of Trade.

Saving as regards disused drains on railway or dock premises.

79. Nothing in the foregoing provisions of this Part of this Act which relate to disused drains shall apply in relation to any disused drain appertaining to—

(*a*) railways of a railway company; or

(*b*) any building or structure which is situate on the railway or within the railway or station premises

PART II. —*cont.*

of any such company, and which is used for the purposes of, or in connection with, the traffic of the company; or

(*c*) any building or structure which belongs to, and is situate within the dock premises of, the Port of London Authority.

Saving for 39 & 40 Vict. c. 75, s. 7, and certain local enactments.

80. Nothing in this Part of this Act shall affect the operation of section seven of the Rivers Pollution Prevention Act, 1876, (which requires the authorities having control of sewers to give facilities for drainage from factories into sewers) or of the local enactments specified in Part II of the Second Schedule to this Act (which provide for the admission of the drainage of certain areas outside the county into the main drainage system of the county) as amended or affected by any order for the alteration of areas made under Part III of the Local Government Act, 1888, Part IV of the Local Government Act, 1929, or Part VI of the Local Government Act, 1933.

51 & 52 Vict. c. 41. 19 & 20 Geo. 5. c. 17. 23 & 24 Geo. 5. c. 51.

Interpretation of Part II.

81.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"deodorising," in relation to any sewage, includes subjecting that sewage to any process whereby the solid suspended matters therein are precipitated or separated from the liquid before the discharge thereof, or whereby the noxious or offensive properties of the sewage are neutralised:

"disused drain" means any channel, work or apparatus which—

(*a*) having been a drain, has ceased to be used as such, the circumstances being such as to indicate the absence of any intention to resume that user; or

(*b*) having been provided for use as a drain, is not used as such, the circumstances at any time after the provision of the channel, work or apparatus as aforesaid

being such as to indicate the absence of any intention to use it as a drain,

or any part of any such channel, work or apparatus:

"drain" means a drain used for the drainage of one building only or premises within the same curtilage, being a drain made merely for the purpose of communicating with a cesspool or other like receptacle for drainage or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and includes—

(*a*) a drain for draining any group or block of houses by a combined operation under an order of a borough council or their predecessors; and

(*b*) a drain for draining a group or block of houses by a combined operation, being a drain laid or constructed before the year eighteen hundred and fifty-six in pursuance of an order or direction of, or with the sanction or approval of, the Metropolitan Commissioners of Sewers:

"sewage" means the contents of sewers before any process of deodorising has been employed:

"sewer" means a sewer or drain of any description, except a drain as hereinbefore defined:

"street" includes a highway, a road, a bridge not being a county bridge, and any lane, footway, square, court, mews, alley or passage, whether a thoroughfare or not, and any part of any such highway, road, bridge, lane, footway, square, court, mews, alley or passage:

"surveyor" includes any officer called "engineer."

(2) For the purposes of this Part of this Act, a drain for draining any group or block of houses by a combined operation shall not be deemed to have become a sewer, or to have ceased to be a drain, by reason only of the fact that the drainage of premises not specified in the

PART II. —*cont.*

order relating to the combined operation has been connected with the drain aforesaid either before or after the commencement of this Act, and any such drainage so connected shall be deemed to be, and always to have been, subject to the order:

Provided that nothing in this subsection shall empower a borough council—

(*a*) to connect, or authorise the connection of, a sewer with any such drain as aforesaid; or

(*b*) to recover from the owner of any premises in connection with which any drainage or other works were carried out before the third day of August, nineteen hundred and twenty-eight, any expenses incurred by the council in connection with the carrying out of those works.

(3) References in this Part of this Act (except sections fifty-six to sixty-one) to sewers or works vested in the county council or in a borough council shall be construed as including references to any such sewers or works outside the county.

PART III.

GENERAL SANITATION AND CLEANLINESS.

General Provisions.

Nuisances which may be dealt with summarily.

82.—(1) The following matters shall, subject as hereinafter provided, be nuisances which may be dealt with summarily under this Act, that is to say:—

(*a*) any premises in such a state as to be a nuisance or injurious or dangerous to health;

(*b*) any pool, ditch, gutter, watercourse, cistern, sanitary convenience, cesspool, drain, dung-pit or ashpit so foul or in such a state as to be a nuisance or injurious or dangerous to health;

(*c*) any accumulation or deposit which is a nuisance or injurious or dangerous to health;

PART III. —*cont.*

(*d*) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family.

(2) Nothing in paragraph (*c*) of the foregoing subsection shall render a person punishable in respect of any accumulation or deposit necessary for the effectual carrying on of a business or manufacture, if the court is satisfied that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health.

(3) In considering for the purpose of any proceedings whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop or workplace is a nuisance by reason of overcrowding, the court shall have regard to the circumstances in which it is used as a factory, workshop or workplace, as the case may be.

Cleansing and covering of offensive ditches, drains, &c.

83.—(1) Every sanitary authority—

(*a*) shall drain, cleanse, cover or fill up, or cause to be drained, cleansed, covered or filled up, all ponds, pools, open ditches, drains, and places containing or used for the collection of any drainage, filth, water, matter or thing of an offensive nature or likely to be prejudicial to health, which may be situate in their district; and

(*b*) shall cause notice to be served on the person causing any such nuisance, or on the owner or occupier of any premises whereon such a nuisance exists, requiring him, within the time specified in the notice, to drain, cleanse, cover or fill up the pond, pool, ditch, drain or place, or to construct a proper drain for the discharge of the filth, water, matter or thing, or to execute such other works as the case may require.

(2) If the person on whom such a notice as aforesaid is served fails to comply therewith, he shall be liable to a

PART III. —*cont.*

fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, in lieu of proceeding for a fine, may enter on the premises and execute such works as may be necessary for the abatement of the nuisance, and may recover the expenses thereby incurred from the owner of the premises:

Provided that—

(*a*) the sanitary authority, where they think it reasonable, may defray all or any portion of the said expenses; and

(*b*) where any work which a sanitary authority do or require to be done in pursuance of this section interferes with, or prejudicially affects, any ancient mill or any right connected therewith or any right to the use of water, the sanitary authority shall make full compensation to all persons sustaining damage thereby in manner provided by sections two hundred and twenty-five and two hundred and twenty-six of the Metropolis Management Act, 1855, or, in lieu of making such compensation, may purchase the mill or right by agreement; and the provisions of that Act with respect to purchases by a sanitary authority shall apply in relation to every purchase under this proviso.

(3) Any person who thinks himself aggrieved by anything done under this section by a sanitary authority in relation to the construction, covering, filling up or other alteration of any drain may appeal to the county council, whose decision shall be final.

Byelaws as to cleansing streets and prevention of nuisances.

84.—(1) Every sanitary authority shall make byelaws—

(*a*) for the prevention of nuisances arising from snow, ice, salt, dust, ashes, rubbish, offal, carrion, fish or filth or other matter or thing in any street; and

(*b*) as to the paving of yards and open spaces in connection with dwelling-houses.

PART III. —*cont.*

(2) The county council shall make byelaws—

(*a*) for prescribing the times for the removal or carriage by road or water of any fæcal or offensive or noxious matter in or through the county, and providing that the carriage or vessel used therefor shall be properly constructed and covered so as to prevent the escape of any such matter and so as to prevent any nuisance arising therefrom; and

(*b*) as to the closing and filling up of cesspools and privies; and

(*c*) as to the removal and disposal of refuse, and as to the duties of the occupier of any premises in connection with house refuse, so as to facilitate its removal by the scavengers of the sanitary authority.

(3) It shall be the duty of every sanitary authority to enforce the byelaws made under this section.

(4) Except as otherwise provided by byelaws under this section, a constable may arrest without warrant, and take before a justice, any person whom he finds committing an offence under such byelaws and who refuses to give his name and address.

(5) Byelaws under this section shall not make it an offence to lay sand or other material in any street in time of frost to prevent accidents, or litter or other matter to prevent the freezing of water in pipes or, in case of sickness, to prevent noise, if the same is laid and, when the occasion ceases, duly removed, in accordance with the byelaws.

Byelaws as to demolition of buildings.

85.—(1) The county council may make byelaws in relation to the demolition of buildings in a borough for the following purposes, that is to say:—

(*a*) the fixing of fans at the level of each floor of the building undergoing demolition;

(*b*) the hoarding up of windows in such building from which sashes and glass have been removed;

(*c*) the regulation of the demolition of internal parts of buildings before commencing to take down any external wall thereof;

PART III. —*cont.*

(*d*) the placing of screens or mats to prevent nuisance arising from dust;

(*e*) requiring the use of water to prevent nuisance arising from dust;

(*f*) requiring the taking of such other precautions as may be prescribed by the byelaws to prevent nuisance arising from dust;

(*g*) the regulation of the hours during which ceilings may be broken down and mortar may be shot, or allowed to fall, into any lower floor.

(2) Byelaws made under this section may provide that the byelaws shall, either generally or as respects any particular borough or part of a borough, have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws.

(3) Byelaws made under this section shall be enforceable in each borough by the council thereof.

(4) The council of a borough, or any officer or person duly authorised by them in that behalf, may enter at all reasonable times any building in the borough which is undergoing or about to undergo demolition, for the purpose of examining whether there is any contravention of the provisions of any byelaw made under this section, and any person who obstructs any such officer or person as aforesaid entering any building or carrying out his duties under this section, shall be liable to a fine not exceeding five pounds.

(5) Nothing in any byelaws made under this section shall apply to a building (not being a dwelling-house) belonging to a railway company and used by the company as a part of, or in connection with, their railway.

Cleaning and watering of streets.

86.—(1) It shall be the duty of every sanitary authority to keep all streets in their district which are repairable by the inhabitants at large properly swept and cleansed so far as is reasonably practicable, and to collect and remove, so far as is reasonably practicable, all street refuse from such streets.

(2) If any such street is not properly swept and cleansed, or the street refuse is not collected and removed from any such street, in accordance with the requirements

of this section, the sanitary authority shall be liable to a fine not exceeding twenty pounds. PART III. —*cont.*

(3) The council of a borough may cause all or any of the streets in the borough to be watered as often as the council think proper.

(4) If it appears to the county council that any street, being situate in more than one borough, ought, for the purpose of cleansing or watering, to be under the exclusive management of one borough council, the county council may by order direct that the street shall for that purpose be under the exclusive management of that borough council.

(5) In subsections (3) and (4) of this section, the expression " street " has the same meaning as in Part II of this Act.

Removal of house refuse.

87.—(1) It shall be the duty of every sanitary authority—

(*a*) to secure the removal, at proper intervals, of house refuse from premises, and the cleansing and emptying at proper intervals of ashpits, earth-closets, privies and cesspools (if any) in their district, and the giving of sufficient notice of the times appointed for such removal, cleansing and emptying; and

(*b*) where house refuse is not removed from any premises in the district at the time appointed under paragraph (*a*) of this subsection, or any ashpit, earth-closet, privy or cesspool in or under any building in the district is not cleansed or emptied at the time so appointed, and the occupier of the premises serves on the sanitary authority a written notice requiring the removal of the refuse or the cleansing and emptying of the ashpit, earth-closet, privy or cesspool, as the case may be, to comply with the notice within forty-eight hours after the service thereof, exclusive of Sundays and public holidays.

(2) If a sanitary authority fail without reasonable cause to comply with this section, they shall be liable to a fine not exceeding twenty pounds.

PART III. —*cont.*

(3) If any person in the employ of a sanitary authority or of any contractor with a sanitary authority demands from an occupier or his servant any fee or gratuity for removing house refuse from premises, he shall be liable to a fine not exceeding twenty shillings.

Disposal of house refuse by owners of premises.

88. If a sanitary authority or any persons employed by them neglect for seven days to remove from any premises all such house refuse as they are required under this Part of this Act to remove, the occupier of the premises, after giving twenty-four hours' notice to the sanitary authority requiring them to remove the refuse, may, without prejudice to any other proceeding under this Act, give away or sell the house refuse, and any person to whom it is given away or sold as aforesaid may remove it.

Prohibition of scavengering during certain hours.

89.—(1) Every person who, between the hours of ten a.m. and seven p.m. on any day, removes any ashes, dust or refuse from any dwelling-house in any such street as may be named for the purpose of this subsection by the Commissioner of Police, shall be liable to a fine not exceeding forty shillings.

(2) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, all fines recovered in proceedings taken by virtue of this section shall—

(*a*) in the city and the liberties thereof, be recovered and applied in the manner prescribed by a local Act of the second and third years of Her late Majesty Queen Victoria, chapter ninety-four, for regulating the police of the city of London; and

(*b*) elsewhere, be recovered and applied in the manner prescribed by the Acts relating to the metropolitan police.

(3) In this section—

the expression "the Commissioner of Police" means, in relation to the city and the liberties thereof, the Commissioner of Police of the City of London or, in relation to any other

PART III. —*cont.*

part of the county, the Commissioner of Police of the Metropolis;

the expression "street" includes a highway or other public place, whether a thoroughfare or not, and for the purposes of this definition, the royal parks, gardens and possessions which are managed by the Commissioners of Works in pursuance of the Crown Lands Act, 1851, shall be deemed to be public places. 14 & 15 Vict. c. 42.

Incidental functions of sanitary authority as to collection and removal of refuse.

90.—(1) Every sanitary authority shall employ a sufficient number of scavengers, or contract with scavengers, for the performance of the duties of the sanitary authority under this Part of this Act with respect to the sweeping and cleansing of streets within their district, the collection and removal of street refuse and house refuse, and the cleansing and emptying of ashpits, earth-closets, privies and cesspools.

(2) A borough council may borrow for the purpose of the provision of premises, wharves, destructors, plant and equipment for the collection, removal and disposal of street refuse and house refuse.

Restrictions on dealing with, and disposal of, house refuse and street refuse.

91.—(1) Subject to the foregoing provisions of this Part of this Act and to the provisions of this section, no person other than the sanitary authority or their contractors or servants shall receive, carry away or collect any house refuse or street refuse from any premises or street, and if any person contravenes the provisions of this subsection, he shall be liable to a fine not exceeding five pounds.

(2) All house refuse and street refuse collected by or on behalf of a sanitary authority shall be the property of that authority, who may sell and dispose of it as they think proper, and the person purchasing the refuse may, notwithstanding anything in the foregoing subsection, take, carry away and dispose of the refuse for his own use.

Removal of trade refuse.

92.—(1) If a sanitary authority are required by the owner or occupier of any premises to remove any trade refuse, the authority shall do so, and the owner or occupier shall pay to the authority, in respect of the

PART III. —*cont.*

removal, a reasonable sum, the amount of which shall, in case of dispute, be setted by an order made by a petty sessional court on the application of either party.

(2) If any dispute or difference of opinion arises between the owner or occupier of premises and the sanitary authority as to what is to be considered for the purposes of this section as trade refuse, a petty sessional court, on complaint made by either party, may by order determine whether the subject matter of dispute is or is not trade refuse, and the decision of the court shall be final.

Removal of obnoxious matters at request of sanitary inspector.

93.—(1) Where it appears to a sanitary inspector that any accumulation of obnoxious matter, whether manure, dung, soil, filth or other matter, ought to be removed, and it is not the duty of the sanitary authority to remove it, the inspector shall serve on the owner of the obnoxious matter, or on the occupier of the premises on which it exists, a notice requiring him to remove the obnoxious matter; and if the notice is not complied with within forty-eight hours from the service thereof, exclusive of Sundays and public holidays, the matter to which the notice refers shall become the property of the sanitary authority and shall be removed and disposed of by them.

(2) The proceeds (if any) of the disposal by a sanitary authority of any obnoxious matter removed by them under this section shall be applied in payment of the expenses incurred by the authority in removing and disposing of the matter, and the surplus (if any) shall be paid on demand to the former owner of the matter; and the said expenses, so far as not covered by such proceeds, may be recovered by the sanitary authority from the former owner of the matter or from the occupier, or, where there is no occupier, the owner, of the premises from which it was removed.

Removal of refuse from stables, cow-houses, &c.

94.—(1) A sanitary authority may collect and remove manure and other refuse from any stable or cow-house within their district the occupier of which signifies his consent thereto in writing, and may employ, or contract with, scavengers so far as appears to the sanitary authority to be necessary for the exercise of their powers under this section:

PART III. —*cont.*

Provided that—

(*a*) no consent given for the purposes of this section shall be withdrawn without one month's previous notice to the sanitary authority; and

(*b*) no person shall be hereby relieved from any fine to which he may be subject for placing dung or manure upon a street or for having any accumulation or deposit of manure or other refuse so as to be a nuisance or injurious or dangerous to health.

(2) A sanitary authority may (by public announcement or otherwise) require the periodical removal of manure or other refuse from stables, cow-houses or other premises; and, where any such notice has been given, if any person to whom the manure or other refuse belongs fails to comply with the notice, he shall be liable without further notice to a fine not exceeding twenty shillings for every day during which the non-compliance continues.

Water Supply.

Houses to have proper water supply.

95.—(1) An occupied house without a proper and sufficient supply of water shall be a nuisance which may be dealt with summarily under this Act, and, if it is a dwelling-house, shall be deemed to be unfit for human habitation.

(2) It shall not be lawful to occupy a house as a dwelling-house until the sanitary authority have certified that it has a proper and sufficient supply of water, either from the Metropolitan Water Board or by some other means:

Provided that this subsection shall not apply to a house newly erected before the year eighteen hundred and ninety-two, unless it has, since the year eighteen hundred and ninety-one, been pulled down to or below the ground floor and rebuilt.

(3) If the sanitary authority refuse such a certificate in respect of any house, or fail to give it within one month after written request therefor from the owner of the house, the owner of the house may apply to a petty sessional court for an order authorising the occupation of

PART III. —*cont.*

the house, and the court, after giving the sanitary authority an opportunity of being heard, may, if the court thinks that the certificate ought to have been granted, make an order authorising the occupation of the house.

(4) If the owner of a house occupies it, or permits it to be occupied, as a dwelling-house without such certificate or order as aforesaid, he shall be liable to a fine not exceeding ten pounds, and to a further fine not exceeding twenty shillings for every day during which the house is so occupied until a proper and sufficient supply of water is provided.

The imposition of a fine under this subsection shall be without prejudice to any proceedings for obtaining a closing order under this Act.

(5) For the purposes of this section, a tenement house shall be deemed to be a house without a proper and sufficient supply of water unless there is provided on the storey, or one of the storeys, in which the rooms or lodgings in the separate occupation of each family occupying the house are situate, a sufficient provision for the supply of water for domestic purposes:

Provided that this subsection shall not apply in relation to—

(*a*) any building which was in use as a tenement house immediately before the twenty-eighth day of August, nineteen hundred and seven, if the only storeys on which a proper and sufficient supply of water is not provided are storeys—

(i) which are constructed at a height exceeding that to which the Metropolitan Water Board may be required for the time being to supply water for domestic purposes; and

(ii) to which a supply of water for such purposes was not, immediately before the said twenty-eighth day of August, being furnished by the said Board under agreement; or

(*b*) any tenement house in respect of which it can be shown that such provision for the supply of water as aforesaid is not reasonably necessary.

PART III. —*cont.*

Water supply for drinking purposes.

96.—(1) If any building to which this section applies or any part of such a building, being a building or part occupied as a separate tenement, is used for human habitation or as a place where persons are employed, and provision is at any time not made or maintained, to the reasonable satisfaction of the sanitary authority for the district in which the building or part is situate, for an adequate and readily accessible supply of water for drinking purposes from pipes directly subject to water pressure from the mains of the Metropolitan Water Board, the sanitary authority may serve on the owner of the building or part, as the case may be, a written notice requiring him, for the purpose of securing such provision as aforesaid, to execute, within such period as may be specified in the notice, such works, or do such things, as may be so specified, or to carry out, within such period as may be so specified, such works of alteration, repair or maintenance as may be so specified; and after the expiration of the said period the building or part shall not be used as aforesaid unless the requirements of the notice have been complied with to the reasonable satisfaction of the sanitary authority:

Provided that—

(*a*) this subsection shall not apply to any part of a building—

(i) if the part is constructed at a height exceeding that to which the said Board may for the time being be required to furnish a supply of water for domestic purposes, and a supply of water for such purposes is not being furnished to the part by the said Board by agreement; or

(ii) if the part is, to the reasonable satisfaction of the sanitary authority, supplied from a permanent source other than the mains of the said Board with an adequate and readily accessible supply of water for drinking purposes; and

(*b*) a sanitary authority shall not be authorised by this subsection to make any requirement inconsistent with any byelaw in force under section sixteen of the Metropolitan Water Board Act, 1932.

22 & 23 Geo. 5. c. lxxx.

PART III. —*cont.*

(2) A sanitary authority may enter any building to which this section applies or part of such a building in their district, being a building or part which they have reasonable cause to suppose is used for human habitation, or as a place where persons are employed, for the purpose of ascertaining—

(*a*) whether any such provision as aforesaid is made or (if made) is adequate and readily accessible; or

(*b*) whether any requirement made by the sanitary authority under this section is complied with.

(3) If any building or part of a building is used in contravention of this section, the owner of the building or part, as the case may be, shall be guilty of an offence and liable to a fine not exceeding ten pounds, and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(4) It shall be the duty of every sanitary authority to enforce the provisions of this section.

(5) The provisions of section seventy-four of this Act shall apply in relation to a notice authorised to be served under this section, as those provisions apply in relation to documents authorised to be served under Part II of this Act.

(6) In determining, for the purposes of this section, whether a supply of water to a building or part of a building is adequate and readily accessible, regard shall be had to the number of persons for the time being inhabiting, or employed in, the building or part.

(7) This section applies—

(*a*) to any building in the county the erection of which is begun after the end of the year nineteen hundred and thirty-five, and

(*b*) to any other building in the county which, after the end of the year nineteen hundred and thirty-five, is structurally divided into separate flats or tenements capable of being occupied separately,

being in either case a building which, or any part of which, is for the time being supplied with water by the Metropolitan Water Board, but does not apply to any factory or workshop to which section seven of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, applies.

6 & 7 Geo. 5. c. 31.

PART III. —*cont.*

Absence of water-fittings.

97. Where, in the case of any premises, any water-fittings prescribed by byelaws under the Metropolitan Water Board Act, 1932, are absent after the expiration of the period so prescribed, the absence of those water-fittings shall be a nuisance which may be dealt with summarily under this Act, and shall be presumed, until the contrary is proved, to render the premises unfit for human habitation.

Notice to sanitary authority of water supply being cut off.

98.—(1) Where for any reason the Metropolitan Water Board, in the exercise of their right to cut off the water supply to any inhabited dwelling-house, cease to supply such a dwelling-house with water, the Board shall, within twenty-four hours after so exercising the said right, give notice thereof in writing to the sanitary authority for the district in which the house is situate.

(2) If the Metropolitan Water Board neglect to comply with the foregoing subsection, they shall be guilty of an offence and liable to a fine not exceeding ten pounds, and it shall be the duty of the sanitary authority to take proceedings against the Board in respect of the offence.

Cleansing of cisterns.

99. Every sanitary authority shall make byelaws for securing the cleanliness and freedom from pollution of tanks, cisterns and other receptacles used for the storage of water used or likely to be used for human consumption or domestic purposes, or for manufacturing drink for human consumption.

Provision of public water supply.

100.—(1) All such public cisterns, reservoirs, wells, fountains, pumps and works used for the gratuitous supply of water to the inhabitants of the district of a sanitary authority as were, immediately before the commencement of this Act, vested in, and under the control of, the sanitary authority by virtue of the enactments repealed by this Act, shall continue to be vested in, and under the control of, the authority.

(2) A sanitary authority—

(*a*) may maintain all public cisterns, reservoirs, wells, fountains, pumps and works used for the gratuitous supply of water to the inhabitants of the district of the sanitary authority which are vested in the authority, or may provide and maintain in lieu thereof any other such works equally convenient; and

PART III. —*cont.*

(*b*) may maintain within their district other public cisterns, reservoirs, wells, fountains and pumps and other such works as aforesaid;

and may supply with pure and wholesome water any cistern, reservoir, well, fountain, pump or works which they are authorised to maintain under this subsection.

(3) A sanitary authority may provide and maintain public wells, pumps and drinking fountains in such convenient and suitable situations as they think proper.

(4) If any person wilfully damages any well, pump or fountain maintained under the last foregoing subsection by a sanitary authority, he shall, in addition to any punishment to which he is liable, pay to the sanitary authority the expenses incurred by them in making good the damage.

Corruption of water by gas washings.

101.—(1) If any person engaged in the manufacture of gas—

(*a*) causes or suffers to be brought or to flow into any source of water supply, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or

(*b*) wilfully or negligently does any act connected with the making or supplying of gas whereby the water in any source of water supply is fouled,

he shall be guilty of an offence and liable to a fine of two hundred pounds and to a further fine of twenty pounds for every day during which the offence continues after the expiration of twenty-four hours' notice from the sanitary authority or the person to whom the water belongs.

(2) Every fine in respect of an offence under this section may be recovered with full costs of action in proceedings in the High Court—

(*a*) in a case where the water in respect of which the offence is committed belongs to, or is under the control of, the sanitary authority, by that authority; or

(*b*) in any other case by the person to whom the water aforesaid belongs or, in default of

PART III. —*cont.*

proceedings on the part of that person after service upon him of notice from the sanitary authority of their intention to proceed for the recovery of the fine, by that authority.

(3) No fine shall be recoverable in respect of an offence under this section unless proceedings for the recovery of the fine are commenced either during the continuance of the offence or within six months after it has ceased.

Penalty for fouling water.

102. If any person—

(*a*) does any wilful act whereby any fountain or pump is damaged, or

(*b*) is guilty of any act or neglect whereby the water of any well, fountain or pump used or likely to be used for human consumption or domestic purposes, or for manufacturing drink for human consumption, is polluted or fouled,

he shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding twenty shillings for every day on which the offence continues after notice is served on him by the sanitary authority in relation thereto:

Provided that proceedings shall not be taken under this section in respect of any act or neglect which constitutes an offence under the last foregoing section.

Closing of polluted wells, &c.

103.—(1) Upon complaint made by a sanitary authority, on the representation of any person, that within the district of the authority the water in any well, tank or cistern, or supplied from any public pump,—

(*a*) is used or likely to be used for human consumption or domestic purposes, or for manufacturing drink for human consumption; and

(*b*) is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health,

a petty sessional court may order that the well, tank, cistern or pump be permanently or temporarily closed, or may make such other order as appears to the court to be requisite to prevent injury or danger to the health of persons drinking the water complained of, and may, if the court thinks fit, cause the water to be analysed at the expense of the sanitary authority:

PART III. —*cont.*

Provided that, before making an order under this subsection, the petty sessional court shall—

(*a*) in the case of a private well, tank or cistern, give the owner or occupier of the premises on which it is situate an opportunity of being heard, or

(*b*) in the case of a public well, tank, cistern or pump, give the like opportunity to the person alleged in the complaint to be interested therein.

(2) If the person against whom an order is made under this section fails to comply therewith, he shall be liable to a fine not exceeding twenty pounds, and a petty sessional court, on complaint by the sanitary authority, may authorise the authority to carry the order into effect, and any expenses incurred by them in so doing may be recovered from the said person.

Provisions as to Sanitary Conveniences, &c.

Nuisance from water-closets, &c.

104. If any person causes a drain, watercloset, earth-closet, privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging, or by otherwise wilfully stopping up, or wilfully interfering with, or improperly using, the drain, watercloset, earthcloset, privy or ashpit or any water supply, apparatus, pipe or work connected therewith, he shall be liable to a fine not exceeding five pounds.

Obligation to provide water-closets, &c.

105.—(1) It shall not be lawful to erect any house, or to rebuild any house which has been pulled down to or below the ground floor, without a sufficient ashpit furnished with proper doors and coverings, and one or more proper and sufficient waterclosets, according as circumstances may require, furnished with suitable water supply and water supply apparatus, and with suitable trapped soilpan and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof.

(2) If any person erects or rebuilds a house in contravention of the last foregoing subsection, he shall be liable to a fine not exceeding twenty pounds.

(3) If it appears to the sanitary authority that any house, whether built before or after the commencement of this Act, is without such ashpit or waterclosets as aforesaid, the sanitary authority shall cause notice to be served on the owner or occupier of the house

PART III. —*cont.*

requiring him forthwith, or within such reasonable time as is specified in the notice, to provide the ashpit or waterclosets in accordance with the directions contained in the notice; and if the notice is not complied with, the person on whom the notice was served shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day on which the offence continues; or the sanitary authority, in lieu of proceeding for a fine, may enter on the premises and execute such works as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

(4) Notwithstanding anything in the foregoing provisions of this section—

(*a*) where a system of sewerage or water supply sufficient for a watercloset is not reasonably available, the provision of a privy or earthcloset shall be deemed to be a compliance with the requirements of this section; and

(*b*) where a watercloset is used in common by the inmates of two or more houses, being a watercloset which was so used before the year eighteen hundred and ninety-two and which, in the opinion of the sanitary authority, can properly continue to be so used, they need not require a watercloset to be provided for each house.

(5) Any person who thinks himself aggrieved by anything done under this section by a sanitary authority may appeal to the county council, whose decision shall be final.

Sanitary conveniences for factories, &c.

106.—(1) Every factory, workshop or workplace, whether erected before or after the commencement of this Act, shall be provided with proper and sufficient accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the building, and where persons of both sexes are, or are intended to be, employed or in attendance, shall also be provided with proper separate accommodation for persons of each sex.

(2) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop or workplace, the sanitary authority shall, by notice served on the owner or occupier of the factory,

PART III. —*cont.*

workshop or workplace, require him to make the alterations and additions necessary to secure compliance with this section, and if the person served with such a notice fails to comply therewith, he shall be guilty of an offence and liable to a fine not exceeding twenty pounds, and to a further fine not exceeding forty shillings for every day during which the offence continues after conviction.

Byelaws as to sanitary conveniences, &c.

107.—(1) The county council shall make byelaws with respect to sanitary conveniences, ashpits, cesspools and receptacles for dung, and the proper accessories thereof, in connection with buildings, whether constructed before or after the commencement of this Act.

(2) Every sanitary authority shall make byelaws with respect to the keeping of waterclosets and urinals supplied with sufficient water for their effective action.

(3) It shall be the duty of every sanitary authority to enforce the byelaws made under this section, and any directions given by a sanitary authority under this Part of this Act shall be in accordance with those byelaws, and so far as such directions are not in accordance with the byelaws, the directions shall be void.

Examination of sanitary conveniences, &c. by sanitary authority.

108.—(1) A sanitary authority may examine any of the following works, that is to say, any sanitary convenience, ashpit or cesspool, and any water supply, sink, trap, siphon, pipe or other works or apparatus connected therewith, upon any premises within their district, and for that purpose, or for the purpose of ascertaining the course of a drain, may at all reasonable times by day, after twenty-four hours' notice has been served on the occupier of the premises or, if they are unoccupied, on the owner, or in a case of emergency without notice, enter on the premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be.

(2) If any such work as aforesaid is found on examination to be in proper order and condition and in accordance with this Part of this Act and the byelaws of the county council and sanitary authority and with the directions of the sanitary authority contained in any notice under this Part of this Act, the sanitary authority shall cause the work to be reinstated and made good as soon as may be, and shall defray the expenses of examination, reinstating and making good the work, and pay full compensation for all damage or injury occasioned by the

examination; but if on examination any such work is found not to be in proper order or condition, or not to be in accordance with the said byelaws and directions, or not to conform with this Part of this Act, the reasonable expenses of the examination shall be repaid to the sanitary authority by the person offending.

PART III. —*cont.*

Penalty for improperly making or altering sanitary conveniences, &c.

109.—(1) In any of the following cases, that is to say:—

(*a*) if, on examination in pursuance of the last foregoing section, any such work as is therein mentioned is found to have been made or provided by any person otherwise than in accordance with the byelaws of the county council and sanitary authority and the directions of the sanitary authority given in any notice under this Part of this Act, or otherwise in contravention of this Part of this Act; or

(*b*) if a person, without the consent of the sanitary authority, constructs or rebuilds any sanitary convenience, ashpit or cesspool which has been ordered by them either not to be made or to be demolished; or

(*c*) if a person discontinues any water supply without lawful authority; or

(*d*) if a person destroys any such sink, trap, siphon, pipe or other connected work or apparatus as is mentioned in the last foregoing section, either without lawful authority or so that the destruction creates a nuisance or is injurious or dangerous to health;

that person shall be liable to a fine not exceeding ten pounds; and if he does not, within fourteen days after notice is served on him by the sanitary authority, or within any further time allowed by that authority or appearing to a petty sessional court necessary for the execution of the works, cause the sanitary convenience, ashpit or cesspool to be altered or reinstated in conformity with the said byelaws and directions or, as the case may be, to be demolished, or the water supply to be renewed, or the sink, trap, siphon, pipe or other connected work or apparatus to be restored, he shall be guilty of an offence and liable to a fine not exceeding twenty shillings for every day on which the offence continues; or the

PART III. —*cont.*

sanitary authority, in lieu of proceeding for a fine, may enter on the premises and cause the work to be done, and the expenses thereof shall be paid by the offender to the sanitary authority.

(2) If, on examination in pursuance of the last foregoing section, any sanitary convenience, ashpit or cesspool, or any water supply, sink, trap, siphon, pipe or other work or apparatus connected therewith appears to be in bad order and condition or to require cleansing, repair, alteration or filling up, the sanitary authority shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the examination was made, requiring him forthwith, or within a reasonable time specified in the notice, to do what is necessary to place the work in proper order and condition; and if the notice is not complied with, the said owner or occupier shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day on which the offence continues; or the sanitary authority, in lieu of proceeding for a fine, may enter on the premises and execute the works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises.

(3) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to any sanitary convenience, ashpit or cesspool, may appeal to the county council, whose decision shall be final.

Improper construction or repair of watercloset, urinal or drain.

110. If a watercloset, urinal or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health, the person who undertook or executed the construction or repair shall, unless he proves that the mode of the construction or repair was not due to any wilful act, neglect or default, be liable to a fine not exceeding twenty pounds:

Provided that, where a person is charged with an offence under this section, he shall be entitled, upon information duly laid by him, to have any other person, being his agent, servant or workman, whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge, and if he proves that he had used due diligence to prevent the commission of the offence, and that the said other person committed

the offence without his knowledge, consent or connivance, he shall not be liable to any fine, and the said other person may be summarily convicted of the offence. PART III. —*cont.*

Sanitary conveniences used in common.

111. The following provisions shall have effect with respect to a sanitary convenience used in common by the occupiers of two or more separate dwelling-houses or by other persons :—

(1) if any person injures or improperly fouls any such sanitary convenience or anything used in connection therewith, he shall be liable to a fine not exceeding ten shillings;

(2) if any such sanitary convenience or the approaches thereto, or the walls, floors, seats or fittings thereof, is or are, in the opinion of the sanitary authority or of their sanitary inspector or district medical officer of health, in such a state as to be a nuisance or annoyance to any inhabitant of the district for want of proper cleansing, such of the persons having the use thereof in common as may be in default, or, in the absence of proof satisfactory to the court as to which of those persons is in default, each of them, shall be guilty of an offence and liable to a fine not exceeding ten shillings and to a further fine not exceeding five shillings for every day on which the offence continues after conviction.

Removal of fixed ashpits.

112.—(1) Where any person has provided in connection with a building a movable ashpit conforming with the requirements of any byelaw or order made under any enactment in that behalf, the sanitary authority may by a written notice require the owner of the building to remove or fill up any fixed ashpit in or about the building and to restore the site of the fixed ashpit to a good and sanitary condition within such reasonable period as may be specified in the notice, and if the owner fails to comply with the requirements of the notice, he shall be guilty of an offence and liable to a fine not exceeding twenty shillings and to a further fine not exceeding ten shillings for every day on which the offence continues after conviction.

(2) A sanitary authority may defray any reasonable expenses incurred by the owner of a building in executing any work under this section.

PART III. —*cont.*

(3) A sanitary authority may, at all reasonable times, enter any premises for the purpose of ascertaining whether there is any non-compliance with the requirements of a notice given under this section.

(4) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

(5) For the purposes of this section, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Provision of public conveniences.

113.—(1) A sanitary authority may provide and maintain public lavatories and ashpits and public sanitary conveniences other than privies, in situations where they deem them to be required, and may supply with water the lavatories and sanitary conveniences provided by them under this section or under the corresponding provision of any enactment repealed by this Act.

(2) For the purpose of the exercise by a sanitary authority of their powers under this section, the subsoil of any street repairable by the inhabitants at large shall be vested in the sanitary authority :

Provided that nothing in this subsection shall be taken to vest in a sanitary authority any bridge vested in the county council or in the common council, or any part of such a bridge, or any such part of the approaches, or of the subsoil of the approaches, thereto as is vested in the county council or in the common council.

(3) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision under this section of sanitary conveniences, lavatories and ashpits.

(4) Any person who suffers damage by the exercise, in relation to the subsoil of the footway of any street repairable by the inhabitants at large, of the powers of a sanitary authority under this section, shall be entitled to recover compensation for the damage from the sanitary authority.

Any question as to whether compensation is payable under this subsection, or as to the amount of any compensation so payable, shall, in default of agreement, be determined by an official arbitrator appointed under

the Acquisition of Land (Assessment of Compensation) Act, 1919. 9 & 10 Geo. 5. c. 57.

Regulations as to public sanitary conveniences, &c.

114.—(1) Where a sanitary authority provide and maintain any public lavatories, ashpits or sanitary conveniences, the authority may—

(*a*) make regulations with respect to the management thereof, and byelaws as to the decent conduct of persons using them; and

(*b*) let the public lavatories, ashpits or sanitary conveniences for any term not exceeding three years at such rent and subject to such conditions as they think fit.

(2) A sanitary authority may charge such fees for the use of any lavatories or waterclosets provided by them as they think proper.

(3) No public lavatory, ashpit or sanitary convenience shall be erected in, or be accessible from, any street without the consent in writing of the sanitary authority, who may give their consent upon such terms as to the use thereof or the removal thereof at any time, if required by the sanitary authority, as they think fit.

(4) If any person who has erected a lavatory, ashpit or sanitary convenience in contravention of this section, or of the corresponding provision of any enactment repealed by this Act, does not remove it after notice to that effect served on him by the sanitary authority, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(5) Nothing in this section shall extend to any lavatory or sanitary convenience erected (whether before or after the commencement of this Act) by a railway company within their railway station yard or the approaches thereto.

Arrangements between several authorities as to provision of public conveniences.

115.—(1) It shall be lawful for sanitary authorities to enter into, and carry into effect, agreements with each other and with local authorities for areas adjoining the county, for the provision, construction or maintenance of public lavatories or sanitary conveniences on, or in the vicinity of, the boundary of any one or more of the respective districts and areas of the parties to the agreement.

PART III. —*cont.*

(2) For the purpose of carrying into effect any such agreement as aforesaid, any authority being a party thereto may, subject to the terms of the agreement and notwithstanding that the lavatory or sanitary convenience to which it relates is or will be wholly or partly outside their district or area,—

(*a*) defray, or contribute towards, the expenses incurred in providing and constructing or maintaining the lavatory or convenience, and for that purpose apply the same funds and rates as they might apply if the lavatory or convenience were situate within their district or area;

(*b*) for the purpose of the provision or construction of the lavatory or convenience, borrow as if it were situate within their district or area;

(*c*) exercise, in relation to the lavatory or convenience, such powers of regulation and charging, and such other powers, as they might exercise if it were situate within their district or area.

(3) The enactments, byelaws and regulations relating to public lavatories and sanitary conveniences within the respective districts or areas of the parties to such an agreement as aforesaid shall, to the extent specified in the agreement, apply in relation to any public lavatory or sanitary convenience provided, constructed or maintained under the foregoing provisions of this section.

(4) For the purposes of this section, the overseers of the Inner Temple and the Middle Temple shall be deemed not to be sanitary authorities.

Removal of or alteration of sanitary conveniences.

116.—(1) If any sanitary convenience which has (whether before or after the commencement of this Act) been erected in, or which is accessible from, any street is so placed or constructed as to be a nuisance or offensive to public decency, the sanitary authority may by notice in writing require the owner of the sanitary convenience to remove it or to reconstruct it in such manner and with such materials as may be required to abate the nuisance or remove the offence against public decency, as the case may be; and if the owner fails to comply with the requirements of the notice within a reasonable time, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day during which the offence continues after conviction.

PART III. —*cont.*

(2) A sanitary authority may at all reasonable times enter any premises for the purpose of ascertaining whether there is any non-compliance with the requirements of a notice given under this section.

(3) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

(4) For the purposes of this section, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Public conveniences, &c. on Victoria Embankment.

117.—(1) The county council may provide, or contribute towards the cost of providing, lavatories and sanitary conveniences for the use of the public in, on or under any part of the Victoria Embankment or any lands belonging to the council abutting thereon, and may make byelaws with respect to the management of such lavatories and sanitary conveniences, and as to the conduct of persons using them.

(2) Any lavatory or sanitary convenience provided under this section or under the corresponding provision of any enactment repealed by this Act, shall be maintained, if situate in the city, by the common council or, if situate in a borough, by the borough council.

(3) The common council or a borough council—

(*a*) may contribute towards the cost of maintaining any lavatory or sanitary convenience provided as aforesaid by any person other than the county council;

(*b*) may charge for the use of any such lavatory or sanitary convenience as aforesaid which is maintained wholly or partly at the expense of the council, such fees as they think proper; and

(*c*) shall enforce any byelaws made under this section by the county council.

(4) The county council and any other person may enter into, and carry into effect, agreements with reference to the provision, and the common council or a borough council and any other person may enter into, and carry into effect, agreements with reference to the maintenance and use, of any lavatories or sanitary conveniences which may be provided under this section, or under the corresponding provision of any enactment repealed by this Act, wholly or partly at the expense of the council.

PART III. —*cont.*

(5) Nothing in this section shall authorise the provision, without the consent of the London Passenger Transport Board, of lavatories or sanitary conveniences so as to affect or interfere with the structure of the railways, tunnels, stations and works belonging to the said board which were in existence immediately before the eighteenth day of August, nineteen hundred and eleven, or were authorised by the London Electric Railway Act, 1911, or so as to interfere with, or render less convenient, the means of access to or from any station on any railway vested in the London Passenger Transport Board as the successors of the Metropolitan District Railway Company or of the London Electric Railway Company.

1 & 2 Geo. 5. c. xxix.

(6) All works carried out under the provisions of this section shall be executed in such a manner as not to affect prejudicially the structure of the Charing Cross Bridge or the columns or foundations thereof, or any other property of the Southern Railway Company, or so as to interfere with the Widenings Nos. 1 and 2 authorised by the South Eastern and London Chatham and Dover Railway Companies Act, 1900, or with the repair of the said bridge or widenings by the Southern Railway Company.

63 & 64 Vict. c. cclvi.

(7) Nothing in this section shall authorise the provision or maintenance of lavatories or sanitary conveniences in, on or under any part of the Victoria Embankment to the south of the land vested in the respective trustees of the societies of the Inner Temple and the Middle Temple, or in any way to interfere with the access to their private landing place, without the consent in writing of the treasurers for the time being of the two societies respectively.

(8) Nothing in this section shall authorise the provision or maintenance of lavatories or sanitary conveniences in, on or under the approach road mentioned in section sixty of the Thames Embankment Act, 1862, and leading from the Victoria Embankment to Surrey Street, Norfolk Street and Arundel Street respectively, or in, on or under any part of the two pieces of land coloured green on the plan marked A, signed in quadruplicate by the Right Honourable the Earl of Donoughmore, the Chairman of the Committee of the House of Lords to which the Bill for the London County Council (General Powers) Act, 1911, was referred (one copy of which plan

25 & 26 Vict. c. 93.

1 & 2 Geo. 5. c. lxiii.

was deposited in the Office of the Clerk of the Parliaments in the House of Lords, and one copy in the Private Bill Office of the House of Commons), without the consent in writing of the Duke of Norfolk, as defined in the said section sixty.

(9) The provisions of this section shall not be construed as authorising the provision, or any contribution to be made towards the cost of the provision, of any lavatory or sanitary convenience within one hundred yards of any premises vested in, or held in trust for or on behalf of, the Crown, without the consent of the Commissioners of Works, which consent those Commissioners may give subject to such conditions as they think fit to impose.

Animals and birds.

Nuisance from keeping of animals.

118.—(1) Any animal kept in such a place or manner as to be a nuisance or injurious or dangerous to health shall be a nuisance which may be dealt with summarily under this Act.

(2) Every sanitary authority shall make byelaws for the prevention of the keeping of animals on any premises in such place or manner as to be a nuisance or injurious or dangerous to health.

(3) It shall be the duty of every sanitary authority to enforce the byelaws made under this section.

(4) Except as otherwise provided by byelaws under this section, a constable may arrest without warrant, and take before a justice, any person whom he finds committing an offence under the byelaws and who refuses to give his name and address.

Restrictions on keeping swine.

119.—(1) No person shall—

(*a*) feed or keep any swine in any premises, locality or place which are or is unfit for the keeping of swine or in which the feeding or keeping of swine may create a nuisance or be injurious to health; or

(*b*) permit any swine to stray or go about in any street or public place.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding forty shillings and to forfeiture of the swine in respect of which

PART III. —*cont.*

the contravention occurs, and to a further fine not exceeding ten shillings for every day during which the contravention continues after the sanitary authority have given the offender notice requiring him to discontinue it.

(3) Any swine found straying or going about in any street or public place may be seized and removed by a constable.

(4) Any premises within forty yards of a street or public place shall be deemed for the purposes of this section to be a place unfit for the keeping of swine.

Restriction on keeping of animals in general.

120. If it is proved to the satisfaction of a petty sessional court that any premises, locality or place are or is unfit for the keeping of any animal, the court may by order prohibit the use of the premises, locality or place for that purpose after the making of the order.

Nuisance from pigeons.

121. For the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation, at any place in the city or a borough, of house doves or pigeons having, or believed by the sanitary authority to have, no owner, or of preventing or minimising any such nuisance, annoyance or damage which might, in the opinion of the sanitary authority, be so caused, the sanitary authority may, notwithstanding anything in the Larceny Act, 1861, or in any other Act, seize and destroy, or sell or otherwise dispose of, or cause to be seized and destroyed or sold or otherwise disposed of, any such house doves or pigeons in excess of such number as the sanitary authority consider reasonable, and take such other steps as they think necessary for any such purpose:

24 & 25 Vict. c. 96.

Provided that a sanitary authority shall not in the exercise of the powers conferred by this section—

(*a*) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or

(*b*) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the person in whom the building or land is vested.

Verminous articles, premises and persons.

PART III. —*cont.*

Cleansing or destruction of filthy or verminous articles.

122.—(1) Where it appears to a sanitary authority, on a report from a district medical officer of health,—

(*a*) that any article in a house in their district, or any article offered or exposed for sale, or stored or deposited with a view to sale, in or on a street, stall or place in their district, is in such a filthy, dangerous or unwholesome condition that health is affected or endangered thereby, or

(*b*) that the cleansing, disinfection or destruction of any such article is necessary in order to prevent the risk of, or to check, infectious disease, or

(*c*) that any such article is infested with vermin or, by reason of having been used by any person infested with vermin, is likely to be so infested,

the authority may cause the article to be cleansed, disinfected or destroyed and (if they think fit) removed for that purpose.

(2) If the owner of any such article as aforesaid suffers unnecessary damage by reason of the exercise by a sanitary authority of their powers under this section, the sanitary authority shall compensate him for that damage and shall also reasonably compensate him for the loss of any article destroyed.

Any compensation payable under this subsection shall be recoverable summarily as a civil debt.

(3) If a sanitary authority have reason to suppose that any article in a house or part of a house in their district, or any article offered or exposed for sale, or stored or deposited with a view to sale, in or on any street, stall or place in their district, is in such a state as is described in paragraph (*a*) or paragraph (*b*) of subsection (1) of this section, the authority may, for the purpose of the exercise of their powers under that subsection, enter the house or part and inspect it and any article therein, or inspect any article in or on any such street, stall or place, as the case may be.

(4) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

PART III. —*cont.*

(5) For the purposes of this section—

1 Edw. 7. c. 22.

(*a*) the expression "house" does not include a factory, workshop or laundry to which the Factory and Workshop Act, 1901, applies, or any building within the port of London which is not used wholly or in part as a dwelling-house or stable;

(*b*) the wrapper or cover of an article offered or exposed for sale, or stored or deposited with a view to sale, shall be deemed to form part of the article; and

(*c*) the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Cleansing of verminous houses.

123.—(1) Where it appears to a sanitary authority, on a report from a district medical officer of health, that any house or part of a house in their district is infested with vermin, the authority shall serve a written notice on the owner or occupier of that house or part of a house requiring him, within such period as may be specified in the notice, to cleanse the house or part or such portion thereof as may be so specified, and may, by the said notice, require him to remove wall paper from the walls of the house or part or the portion thereof so specified, and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(2) If the person on whom such a notice as aforesaid is served fails to comply with the notice within the period therein specified, he shall be guilty of an offence and liable to a fine not exceeding ten shillings for every day on which the offence continues, and the sanitary authority may, at any time after the expiration of the said period, do any work required by the notice to be done, and all reasonable expenses incurred by the sanitary authority in doing so shall (subject to the provisions of the next following subsection) be recoverable summarily as a civil debt from the offender.

(3) Upon any proceedings under this section the court may inquire as to whether any requirement contained in a notice served, or whether any work done, by a sanitary authority under this section was reasonable, and

as to whether the expenses incurred by the sanitary authority in doing that work or any part thereof ought to be borne wholly or in part by the person on whom the notice was served, and the court may make such order concerning those expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case. PART III. —*cont.*

(4) A sanitary authority—

(*a*) may enter and inspect any house or part of a house in their district which they have reason to suppose is infested with vermin; and

(*b*) may, at all reasonable hours, enter any house or part of a house in their district for the purpose of ascertaining whether there has been any failure to comply with a notice given under this section in respect of the house or part.

(5) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

(6) In this section the expression " house " does not include a factory, workshop or laundry to which the Factory and Workshop Act, 1901, applies, or any building within the port of London which is not used wholly or in part as a dwelling-house or stable.

(7) For the purposes of this section, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Provision of cleansing stations.

124.—(1) It shall be the duty of every sanitary authority to provide, either within or without their district, proper premises, with all necessary apparatus and attendants, for the cleansing of verminous articles and houses and for the removal and destruction of verminous articles, and a sanitary authority may, for the purpose of the cleansing of verminous persons, do any of the things which the sanitary authority are required to do by the preceding provisions of this subsection.

(2) Any two or more sanitary authorities may act in combination for the purposes of this section, or enter into an agreement for the use by one of the parties to the agreement of any premises, apparatus and attendants

PART III. —*cont.*

provided for the purposes of this section by any other of the parties to the agreement.

(3) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision, under this section, of means for removing, cleansing and destroying articles and for cleansing houses.

(4) Any premises provided under this section, or under the corresponding provisions of any enactment repealed by this Act, are in this Part of this Act referred to as "a cleansing station."

Use by verminous persons of sanitary authority's cleansing apparatus.

125.—(1) A sanitary authority may, upon application made to them by any person on the ground that he is infested with vermin, allow that person to use, free of charge, for the purpose of cleansing himself and his clothing from vermin, any suitable apparatus which the authority possess.

(2) The use of any such apparatus for the purposes of this section shall not be deemed to be poor relief or charitable allowance to any person using the apparatus, or to the parent of any such person, and no such person or parent shall by reason thereof be deprived of any right or privilege or be subject to any disqualification or disability.

Cleansing of children attending school and inmates of common lodging-houses.

126.—(1) A county medical officer of health or any person authorised by him in writing may, in any school in the county provided or maintained by the county council as the local education authority, examine the person or clothing of any child attending the school, and if the person making the examination is of opinion that the person or clothing of the child is infested with vermin, or is in a foul or filthy condition, the county medical officer of health may serve on the parent or guardian of the child or on any other person who is liable to maintain, or has the actual custody of, the child, a written notice requiring the parent, guardian or other person to cleanse properly the person and clothing of the child within twenty-four hours after the receipt of the notice.

(2) A county or district medical officer of health or any person authorised by him in writing may, if he has reason to suspect that the person or clothing of any inmate of a common lodging-house is infested with vermin or is in a foul or filthy condition, enter the common lodging-house at any reasonable hour and examine the

person and clothing of the inmate; and if the person or clothing of the inmate appears to the person making the examination to be infested with vermin or to be in a foul or filthy condition, that person may serve on the inmate a written notice requiring him within twenty-four hours after the receipt of the notice to submit his person and clothing to be cleansed in such cleansing station as may be specified in the notice and by means of any suitable appliance available thereat for the purpose:

Provided that the powers conferred by this subsection on a county medical officer of health shall not be exercisable within the city.

(3) If any person on whom a notice is served in accordance with the foregoing provisions of this section fails to comply with the notice within twenty-four hours after the receipt thereof, the county or district medical officer of health, as the case may be, or any person authorised by him in writing, may cause the person and clothing of the person to whom the notice relates to be properly cleansed in a cleansing station and with suitable appliances, and for that purpose may—

(*a*) if the notice relates to a child attending school, remove the child from school; or

(*b*) if the notice relates to the inmate of a common lodging-house, enter the common lodging-house,

and may, if necessary, convey the person to whom the notice relates to a cleansing station and detain him there until the cleansing required by the notice has been effected.

(4) Every person authorised by a county or district medical officer of health for the purposes of this section shall produce his authority when required so to do.

(5) Every person who—

(*a*) prevents or obstructs any person in the exercise of his power under this section to enter a common lodging-house; or

(*b*) being an inmate of a common lodging-house, refuses to permit any examination or cleansing of his person or clothing in accordance with the provisions of this section,

shall be liable to a fine not exceeding forty shillings.

PART III. —*cont.*

(6) The examination or cleansing of females under this section shall be effected only by a legally qualified medical practitioner or by a woman authorised in writing by a county or district medical officer of health.

(7) The county council and any sanitary authority may make, and carry into effect, agreements with respect to the cleansing of the person or clothing of any person under this section, and for the use by the county council, for the purpose of effecting such cleansing as aforesaid, of any cleansing station and any appliances adapted for that purpose which belong to, or are used by, the sanitary authority.

For the purposes of this subsection, the overseers of the Inner Temple and of the Middle Temple shall be deemed not to be sanitary authorities.

(8) The county council may make regulations with respect to the mode of carrying into effect the provisions of this section, but no such regulations shall have effect until they have been confirmed by the Minister.

Cleansing of verminous persons by order of petty sessional court.

127.—(1) Where it appears to a sanitary authority, on a report from a district medical officer of health, that any person, or the clothing of any person, is infested with vermin, and that person does not consent to be removed to a cleansing station, a petty sessional court, if satisfied on the application of the sanitary authority that it is necessary that he or his clothing should be cleansed, may make an order that he be removed to a cleansing station and be detained therein for such period, and subject to such conditions, as may be specified in the order.

(2) Where a person has been removed to a cleansing station in pursuance of the foregoing subsection, the sanitary authority shall take such measures as are, in their opinion, necessary to free him and his clothing from vermin.

(3) The cleansing of females under this section shall be effected only by a legally qualified medical practitioner or by a woman duly authorised by the district medical officer of health.

(4) No charge shall be made by a sanitary authority in respect of the cleansing of a person or of his removal to, or his maintenance in, a cleansing station under this section.

PART III. —*cont.*

(5) The cleansing, removal and maintenance of a person under this section shall not be deemed to be poor relief or charitable allowance to that person or to the parent of such person, and no such person or parent shall by reason thereof be deprived of any right or privilege or be subject to any disqualification or disability.

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

(7) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

Factories, Workshops and Bakehouses.

Nuisance from factories, &c.

128.—(1) Any factory which is not a factory subject to the provisions of the Factory and Workshop Act, 1901, relating to cleanliness, ventilation and overcrowding, and any workshop or workplace, shall—

(*a*) if it is not kept in a cleanly state and free from effluvia arising from any drain, sanitary convenience or other nuisance; or

(*b*) if it is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health; or

(*c*) if it is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

be a nuisance which may be dealt with summarily under this Act.

(2) In considering for the purpose of any proceedings whether any factory, workshop or workplace used also as a dwelling-house is a nuisance by reason of overcrowding, the court shall have regard to the circumstances in which it is used as a dwelling-house.

PART III. —*cont.*

(3) In determining for the purposes of paragraph (*b*) or paragraph (*c*) of subsection (1) of this section whether a factory or workshop—

(*a*) is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein; or

(*b*) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

regard shall be had to the provisions of the Factory and Workshop Act, 1901, and of any order made by a Secretary of State thereunder, with respect to ventilation or overcrowding in factories and workshops.

Limewashing and washing of workshops.

129.—(1) Where, on the certificate of a district medical officer of health or sanitary inspector, it appears to a sanitary authority that the limewashing, cleansing or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve a written notice on the owner or occupier of the workshop requiring him to limewash, cleanse or purify the workshop or part, as the case requires, within such period as may be specified in the notice.

(2) If any person on whom a notice is served under this section fails to comply with the notice, he shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which the offence continues after conviction; and the sanitary authority may cause the workshop or part of a workshop in question to be limewashed, cleansed or purified, and may recover the expenses incurred by them in so doing from the person on whom the notice was served.

(3) This section shall apply to a factory which is not subject to the provisions of the Factory and Workshop Act, 1901, and to any workplace, in like manner as it applies to a workshop.

Provisions as to bake houses.

130.—(1) Sections ninety-seven to one hundred and one, and section one hundred and thirty-five, of the Factory and Workshop Act, 1901 (which relate to cleanliness, ventilation, and other sanitary conditions), shall,

as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate. PART III. —*cont.*

(2) For the purpose of enforcing, in relation to any such bakehouse as is referred to in subsection (1) of this section, the provisions of the Factory and Workshop Act, 1901, mentioned in that subsection, a sanitary authority may enter the bakehouse at any hour by day or at any hour when business is being, or is usually, carried on therein.

Notification of employment of child or woman in workshop.

131. If any woman, child or young person is employed in a workshop, and the district medical officer of health becomes aware of the fact, he shall forthwith give written notice thereof to the factory inspector for the district.

Underground rooms.

Restrictions on use of underground rooms as dwellings.

132.—(1) Subject to the provisions of this section, an underground room shall not be let or separately occupied as a dwelling unless—

(*a*) the height of the room is, in every part thereof, at least seven feet measured from the floor to the ceiling, and, subject as hereinafter provided, the lowest point of the ceiling is at least three feet above the level of the surface of the street or ground adjoining or nearest to the room; and

(*b*) the room is provided with one or more windows opening directly into the external air, having a total area (exclusive of the sash frames) equal to at least one-tenth of the area of the floor of the room, and being so constructed that one-half at least of each window can be opened in such a way that the opening extends to the top of the window; and

(*c*) subject as hereinafter provided, there is, outside and adjoining the room and extending along the entire frontage thereof, an open area properly paved and so constructed that the surface of the area is, at its highest point, at least six inches below the level of the floor of the room and the width of the area in every part thereof is at least four feet; and

PART III. —*cont.*

(*d*) the room is effectively ventilated; and

(*e*) the room is provided with a fireplace having a proper chimney or flue; and

(*f*) every wall of the room is constructed with a proper damp course and, where in contact with the soil, is effectively protected against dampness arising therefrom; and

(*g*) the area aforesaid and the soil immediately below the room are effectively drained; and

(*h*) the room is effectively protected from the rising of any effluvia or exhalation; and

(*i*) in the case of a room having a hollow floor, the space beneath the floor is sufficiently ventilated to the outer air; and

(*j*) every drain passing under the room is properly constructed of gas-tight piping; and

(*k*) there is appurtenant to the room the use of a watercloset and a proper and sufficient ashpit:

Provided that—

(i) the height of the lowest point of the ceiling of the underground room above the level of the surface of the street or ground adjoining or nearest to it may be less than three feet (but not less than one foot), if the width of the area required by paragraph (*c*) of this subsection is, in the narrowest part thereof, not less than six feet or than the distance measured vertically from the floor of the room to the level aforesaid, whichever is the less; and

(ii) in the area aforesaid there may be such steps as are necessary for access to the room, and over and across the area there may be such steps as are necessary for access to any building above the room, if in either case the steps are so placed as not to pass over or across any external window of the room.

(2) If any person lets or occupies, or knowingly suffers to be occupied, any underground room in contravention of this section, he shall be liable to a fine not

exceeding twenty shillings for every day during which the room continues to be so let or occupied. PART III. —*cont.*

(3) Any such dispensation with, or modification of, any of the conditions imposed by subsection (1) of this section as was granted or allowed under the enactments repealed by this Act in relation to any underground room or class of underground rooms which was or were let or separately occupied as a dwelling or dwellings before the fifth day of August, eighteen hundred and ninety-one, shall, if and in so far as the dispensation or modification was operative immediately before the commencement of this Act, continue to have effect notwithstanding any repeal effected by this Act; but any such dispensation or modification granted or allowed by a sanitary authority or their predecessors may be revoked or varied by that authority, and any such dispensation or modification granted or allowed by the Local Government Board may be revoked or varied by the Minister.

(4) For the purposes of this section—

(*a*) the expression "underground room" includes every room of a house, being a room the surface of the floor of which is, in any part thereof, more than three feet below the level of the surface of the footway of the street adjoining the room, or of the surface of the ground adjoining or nearest to the room;

(*b*) where two or more underground rooms are occupied together and are not occupied in conjunction with any other room on any other floor of the same house, each of the underground rooms shall be deemed to be separately occupied as a dwelling;

(*c*) where, in any proceedings taken by virtue of this section, it is shown that any person uses an underground room as a sleeping-place, the room shall, until the contrary is proved, be deemed to be separately occupied as a dwelling;

(*d*) every underground room in which a person passes the night shall be deemed to be occupied as a dwelling.

PART III. —*cont.* Enforcement of provisions as to underground rooms.

133.—(1) Any officer of a sanitary authority appointed or designated by that authority for the purpose shall, without any fee or reward, report to the sanitary authority, at such times and in such manner as the sanitary authority may direct, all cases in which underground rooms in the district of the authority are occupied in contravention of the last foregoing section.

(2) Any such officer as aforesaid or any other person having reasonable grounds for believing that an underground room is occupied in contravention of the last foregoing section may enter and inspect the room at any hour by day; and if admission is refused to any person other than an officer of the sanitary authority, the like warrant may be granted by a justice under this Act as in the case of a refusal to admit such an officer.

(3) The warrant of a justice authorising an entry into an underground room may authorise the entry between any hours specified in the warrant.

Provision in case of two convictions for unlawfully occupying underground room.

134. Where two convictions for an offence relating to the occupation of an underground room as a dwelling have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may direct the closing of the underground room for such period as the court may deem necessary, or may empower the sanitary authority of the district in which the room is situate permanently to close it, in such manner as the authority think fit, at their own expense.

Tents and vans.

Tents and vans used for human habitation.

135.—(1) A tent, van, shed or similar structure used for human habitation, which is in such a state as to be a nuisance or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, shall be a nuisance which may be dealt with summarily under this Act.

(2) A sanitary authority may make byelaws for promoting cleanliness in, and the habitable condition of, tents, vans, sheds and similar structures used for human habitation, and for preventing the spread of infectious

disease by the persons inhabiting them, and generally for the prevention of nuisances in connection therewith.

(3) Where any person duly authorised by a sanitary authority or by a justice has reasonable cause to believe either—

(*a*) that any tent, van, shed or similar structure used for human habitation is in such a state or so overcrowded as aforesaid, or that there is any contravention therein of any byelaw made under this section; or

(*b*) that there is in any such tent, van, shed or structure any person suffering from a dangerous infectious disease,

he may enter by day the tent, van, shed or structure, and examine it in order to ascertain whether it is in such a state or so overcrowded as aforesaid, or whether there is therein any such contravention or a person suffering from a dangerous infectious disease, and the provisions of this Act with respect to the entry into premises by an officer of the sanitary authority shall apply as if a person duly authorised as aforesaid were such an officer.

(4) Nothing in this section shall apply to any tent, van, shed or structure erected or used by any portion of His Majesty's naval or military forces.

Rag flock.

Regulation of sale and use of rag flock and certain articles manufactured therefrom.

136.—(1) No person shall—

(*a*) sell rag flock, or

(*b*) have rag flock in his possession for the purpose of selling it, or

(*c*) use rag flock for the purpose of making bedding, cushions or any article of upholstery, or have in his possession rag flock intended to be used for that purpose,

unless the flock conforms to such standard of cleanliness as may be prescribed by regulations made by the Minister.

All regulations made by the Minister under this subsection shall be laid before Parliament as soon as may be after they are made.

PART III. —*cont.*

(2) If any person sells or uses or has in his possession rag flock in contravention of this section, he shall be liable to a fine not exceeding, in the case of a first offence, ten pounds or, in the case of a second or subsequent offence, fifty pounds.

(3) Where, in any proceedings against a person charged with an offence under this section, it is proved that such an offence has been committed, but that the person charged with the offence—

(*a*) purchased the rag flock in respect of which the offence was committed from a person resident within the United Kingdom who sold the flock under a warranty that it complied with the standard of cleanliness so prescribed as aforesaid; and

(*b*) took reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty,

the person so charged shall be entitled, upon an information duly laid by him, to have the person who gave the warranty brought before the court, and that person may be summarily convicted of the offence, and the person originally charged shall not be liable to any fine, and the person so convicted shall, in the discretion of the court, also be liable to pay any costs incidental to the proceedings.

(4) Where a person is charged with having rag flock in his possession in contravention of this section, any rag flock proved in the proceedings to have been found in his possession shall, until the contrary is proved, be deemed to be intended for sale or for use in the manufacture of such articles as are mentioned in paragraph (*c*) of subsection (1) of this section.

(5) It shall be the duty of a sanitary authority to enforce the provisions of this section within their district, and for that purpose any district medical officer of health or sanitary inspector, or any other officer of the sanitary authority authorised by them in that behalf, may—

(*a*) institute and carry on any proceedings which the sanitary authority are authorised to institute and carry on under this section;

PART III. —*cont.*

(*b*) enter at all reasonable times any premises in which he has reasonable cause to believe that an offence under this section is being committed; and

(*c*) examine and take samples for the purposes of analysis of any rag flock found therein:

Provided that, where a sample is so taken, the occupier of the premises may require the officer taking the sample to divide it into two parts and to mark and seal one part and deliver it to the occupier.

(6) In this section the expression "rag flock" means flock which has been produced wholly or partly by tearing up woven or knitted or felted materials, whether old or new, but does not include flock obtained wholly in the process of scouring and finishing newly woven or newly knitted or newly felted fabrics.

PART IV.

OFFENSIVE TRADES.

Nuisance arising from offensive trade.

137.—(1) Where any premises used for any trade, business, process or manufacture causing effluvia, are certified to a sanitary authority by a district medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of the authority, to be a nuisance or injurious or dangerous to the health of any of the inhabitants of the district (whether the premises are situate in or outside the district or the county), the authority shall make a complaint to a petty sessional court within whose jurisdiction the premises are situate; and if it appears to the court that the trade, business, process or manufacture carried on by the respondent is a nuisance, or causes effluvia which are a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, then, unless it is shown that the respondent has used the best practicable means for abating the nuisance or preventing or counteracting the effluvia, the person so offending shall, if he is the owner or occupier of the premises or a foreman or other person employed by the owner or occupier, be liable to a fine not exceeding fifty pounds:

PART IV. —*cont.*

Provided that the court may suspend its final determination on condition that the respondent undertakes to adopt, within a reasonable time, such means as the court may deem practicable, and order to be carried into effect, for abating the nuisance or mitigating or preventing the injurious effects of the effluvia.

(2) The sanitary authority may, on receiving such a certificate as is mentioned in subsection (1) of this section, cause proceedings to be taken in the High Court against any person in respect of the matters alleged in the certificate.

(3) For the purposes of proceedings which may be taken under this section by a sanitary authority in respect of any premises situate outside the county, the expression "nuisance" in this section shall be taken to include a nuisance within the meaning of the Public Health Act, 1875.

Nuisance created by sanitary authority in dealing with refuse.

138.—(1) The removal of house refuse and street refuse by a sanitary authority shall, if the refuse is collected or deposited by that authority, be deemed to be a business carried on by that authority within the meaning of the last preceding section, and a complaint or proceedings under that section in relation to any such business may be made or taken by the county council in like manner as if the council were a sanitary authority.

(2) Any premises used by a sanitary authority for the treatment or disposal of street refuse or house refuse, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance which may be dealt with summarily under this Act, and for the purpose of the application thereto of the provisions of this Act relating to such nuisances, the county council shall be deemed to be a sanitary authority.

Byelaws as to prevention of nuisances from factories, &c.

139.—(1) Every sanitary authority shall make byelaws for the prevention of nuisances arising from any offensive matter running out of any manufactory, brewery, slaughter-house, knacker's yard, butcher's or fishmonger's shop or dunghill into any uncovered place, whether or not surrounded by a wall or fence.

PART IV. —*cont.*

(2) It shall be the duty of every sanitary authority to enforce the byelaws made under this section.

(3) Except as otherwise provided by byelaws made under this section, a constable may arrest without warrant, and take before a justice, any person whom he finds committing an offence under the byelaws and who refuses to give his name and address.

Restrictions on carrying on of offensive businesses.

140.—(1) No person shall—

(*a*) establish the business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter or knacker; or

(*b*) establish, without the consent of the sanitary authority, the business of fellmonger, tripe boiler or slaughterer, or any other business which the county council or, as respects the city, the common council may, by order confirmed by the Minister and published in the London Gazette, declare to be an offensive business;

and every person by whom a business is established in contravention of this subsection shall be liable to a fine not exceeding fifty pounds in respect of the establishment thereof, and every person who carries on a business established in contravention of the foregoing provisions of this subsection, or of the corresponding provisions of any enactment repealed by this Act, shall be liable to a fine not exceeding fifty pounds for every day during which he carries on the business:

Provided that this subsection shall not render any person liable to a fine for establishing, with the consent of the sanitary authority, or carrying on, the business of soap boiler, if and so long as that business is a business in which tallow or any animal fat or oil other than olein is not used by admixture with alkali for the production of soap.

(2) Every consent given for the purposes of the foregoing subsection shall be given by order of the sanitary authority, and any order under this subsection is hereafter in this Part of this Act referred to as an "establishment order".

PART IV. —*cont.*

(3) At least fourteen days before making an establishment order with respect to any business, the authority proposing to make the order shall—

(*a*) advertise a notice of the application for the order, and of the time and place at which the authority will be willing to hear persons objecting to the making of the order; and

(*b*) cause a copy of the notice to be posted on a conspicuous part of the premises in which the business is proposed to be established,

and shall consider any objection made at that time and place, and grant or withhold their consent as they think expedient.

(4) There shall be charged for every establishment order such fee not exceeding forty shillings as the authority making the order may fix.

(5) For the purposes of this section, a business shall be deemed to be established not only if it is established newly, but also if it is removed from one set of premises to any other premises, or if it is re-established on the same set of premises after having been discontinued for a period of nine months or more, or if any premises on which it is for the time being carried on are enlarged without the consent of the sanitary authority, but a business shall not be taken to be established on any premises by reason only that the ownership of the premises is wholly or partly changed, or that the building in which it is established, having been wholly or partly pulled down or burnt down, has been reconstructed without any extension of its area.

(6) Any consent given for the purposes of this section may be given subject to such conditions as the authority giving the consent think fit to impose.

(7) This section shall, in relation to the Inner Temple and the Middle Temple, have effect as if for any reference therein to the consent of the sanitary authority there were substituted a reference to the consent of the county council; but, at least fourteen days before any establishment order is made in respect of the establishment of a business in the Inner Temple or in the Middle Temple, the county council shall cause notice of the application for the order to be served on the overseers thereof.

PART IV. —*cont.*

(8) If, by virtue of an order made under Part XIV of this Act, the function of making establishment orders is transferred from borough councils to the county council, then, so long as the order is in force—

(*a*) this section shall, except in relation to the city, have effect as if for any reference in this section to the consent of the sanitary authority there were substituted a reference to the consent of the county council; and

(*b*) the operation of the last foregoing subsection shall be suspended;

but the county council shall, at least fourteen days before making, in the discharge of the functions so transferred, any establishment order in respect of the establishment of a business, cause notice of the application for the order to be served on the sanitary authority for the district in which the business is proposed to be established.

(9) Nothing in this section shall require any consent to the slaughter of cattle at the Metropolitan Cattle Market.

Incidental provisions relating to the sanctioning of offensive businesses.

141.—(1) An establishment order with respect to the establishment of any business may authorise the carrying on of the business for such period as may be specified in the order and for such further period, if any, as the authority making the order may allow; and any person who carries on the business after the expiration of the period so specified or, if that period has been duly extended, the expiration of the extended period, as the case may be, shall be guilty of an offence and liable to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction.

(2) An extension of time granted by virtue of this section may be granted subject to such conditions as the authority making the order think fit to impose.

(3) Where, after the making of an establishment order, or the granting of any extension of time, for the purposes of the last foregoing section, any alteration occurs in the circumstances affecting the business to which the order or extension relates, the sanitary authority or, as respects the Inner Temple or Middle Temple, the

PART IV. —*cont.*

county council may, at any time after the occurrence of the alteration, either by a fresh order or by endorsement on the original order or on any document evidencing the grant of the extension, do all or any of the following things, that is to say :—

(*a*) if the original order was made, or the extension was granted, unconditionally, they may attach thereto such conditions as they think fit;

(*b*) they may modify or waive any conditions previously imposed;

(*c*) they may impose additional or substituted conditions:

Provided that—

(i) this subsection shall not apply as respects an establishment order made before the first day of August, nineteen hundred and thirty; and

(ii) at least fourteen days before exercising any of their powers under this subsection with respect to any business, the sanitary authority or the county council, as the case may be, may publish their intention so to do in the manner prescribed by subsection (3) of the last foregoing section in relation to an application for an order under that section, and unless an application for such an order or endorsement has been made by the person carrying on the business, shall give that person notice of their intention.

(4) If any condition imposed or modified as aforesaid is contravened in the case of any business, the person for the time being carrying on the business shall be guilty of an offence and liable to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction.

(5) There shall be charged for every order or endorsement under this section such fee, not exceeding forty shillings, as the authority making the order or endorsement may fix.

(6) If, by virtue of an order made under Part XIV of this Act, the function of making establishment orders is transferred from borough councils to the county council, then, so long as the order is in force, this section shall,

except in relation to the city, have effect as if for any reference in this section to the sanitary authority there were substituted a reference to the county council. PART IV. —*cont.*

(7) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

Byelaws as to offensive businesses.

142.—(1) The county council may make byelaws for regulating the conduct of any such business specified in the last but one foregoing section as is for the time being lawfully carried on in the county, and the structure of the premises on which any such business is being carried on, and the mode in which application is to be made for an establishment order.

(2) Byelaws under this section may empower a petty sessional court by order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which the byelaws relate, as a punishment for contravening the byelaws, and any person disobeying such an order shall be liable to a fine not exceeding fifty pounds for every day during which the disobedience continues.

(3) It shall be the duty of the council of a borough to enforce within the borough any byelaws made under this section, and for the purpose of the performance of their duty under this subsection the council of a borough may enter any premises in the borough at any hour by day, or at any hour when business is in progress, or is usually carried on, in the premises, for the purpose of ascertaining whether there is any contravention therein of any byelaw made under this section.

(4) Any sanitary authority or person aggrieved by any byelaws proposed to be made under this section, or by any proposed alteration or repeal of such a byelaw, may forward notice of their or his objection to the Minister, who shall consider it.

(5) This section shall, in its application to the city, have effect as if for the reference in this section to the county council there were substituted a reference to the common council.

(6) Nothing in this section shall authorise the making of byelaws affecting the Metropolitan Cattle

PART IV. —*cont.*

Market or the slaughter-houses erected (whether before or after the commencement of this Act) at that market.

Conveyance of dead horses through streets.

143.—(1) The county council may make byelaws with respect to the mode of conveying the carcases of dead horses through public streets.

(2) It shall be the duty of every borough council to enforce the byelaws made under this section.

Licensing of cow-houses and slaughter-houses.

144.—(1) A person carrying on the business of a slaughterer, knacker or dairyman, shall not use any premises in a borough as a slaughter-house or knacker's yard, or as a cow-house or place for the keeping of cows, without a licence from the council of the borough, and if he does so he shall be liable to a fine not exceeding five pounds; and the fact that cattle have been taken into unlicensed premises shall be prima facie evidence that an offence under this section has been committed.

(2) A licence granted under this section shall expire on such day in every year as the council having power to grant the licence may fix, and, in the case of an original licence, shall expire on the day so fixed which secondly occurs after the grant of the licence, and a fee not exceeding five shillings may be charged for the licence.

(3) The council of a borough may enter any slaughter-house or knacker's yard in the borough at any hour by day, or at any hour when business is in progress, or is usually carried on, in the slaughter-house or knacker's yard, for the purpose of ascertaining whether there is any contravention therein of this Part of this Act or of any byelaw made thereunder.

(4) The foregoing provisions of this section shall have effect in relation to the Inner Temple or the Middle Temple as if it were a borough, and as if for the reference in subsection (1) to the council of the borough there were substituted a reference to the county council, and as if for the reference in subsection (3) to the council of a borough there were substituted a reference to the overseers.

(5) The following provisions shall have effect in relation to the Inner Temple and the Middle Temple and, if, by virtue of an order made under Part XIV of this Act, the function of granting licences under this

section is transferred from borough councils to the county council, in relation to every borough:— PART IV. —*cont.*

(*a*) the county council shall, at least fourteen days before granting a licence under this section in respect of any premises, cause notice of the application for the licence to be served on the sanitary authority for the district in which the premises are situate, and that authority may object to the grant of the licence;

(*b*) an objection to the granting as aforesaid by the county council of a licence in respect of any premises, in immediate succession to such a licence previously granted under this section in respect of those premises, shall not be entertained unless, at least seven days previously, notice of the objection has been served on the applicant for the licence, except that, on the making of any such objection of which notice has not been given as aforesaid, the county council may, if they think it just so to do, direct that notice of the objection be served on the applicant, and adjourn the hearing of the application to a future day, and require the attendance of the applicant on that day, and then hear the application and consider the objection as if notice of the objection had been duly given.

(6) Nothing in this section shall apply in relation to slaughter-houses erected, whether before or after the commencement of this Act, in the Metropolitan Cattle Market.

Licensing of premises for receiving horses for slaughter or dead horses.

145.—(1) No person shall use any premises in a borough for receiving or keeping horses for slaughter or the carcases of dead horses, unless he holds a licence granted by the council of the borough, authorising the use of the premises for that purpose.

(2) A borough council may grant licences for the purpose of this section subject to such conditions as they think fit to impose, and every such licence shall be subject to the provisions of the last foregoing section with respect to licences for keeping or using premises as a slaughter-house or knacker's yard; but no licence granted under this section shall entitle the holder to carry on upon

PART IV. —*cont.*

the premises in respect of which the licence was granted the business of a slaughterer of horses or knacker.

(3) If any person contravenes the provisions of this section or any of the conditions subject to which a licence has been granted thereunder, he shall be guilty of an offence and liable on conviction on indictment to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day during which the offence continues after conviction.

Byelaws with respect to certain businesses.

146.—(1) The county council may make, as respects the county exclusive of the city and of the port of London, byelaws for regulating the conduct of the business of a vendor of fried fish, a fish-curer or a rag and bone dealer, and with respect to the premises in or upon which any such business is carried on, and the apparatus, utensils and appliances used for the purposes of, or in connection with, any such business.

(2) Nothing in this section or in any byelaw made thereunder shall be construed as imposing upon any person any obligation to alter any premises which were, on the thirty-first day of July, nineteen hundred and eight, used for the business of a vendor of fried fish or of a fish-curer, or any fittings or apparatus in any such premises, or to place or provide in any such premises any new fittings or apparatus:

Provided that, if any alteration of any such premises or of any fittings or apparatus therein is effected, or if any new fittings or apparatus are placed or provided therein, the alteration shall be carried out, or, as the case may be, the new fittings and apparatus shall be placed and provided, in conformity with the requirements of any byelaws under this section which are for the time being in force.

(3) It shall be the duty of every sanitary authority to enforce within their district any byelaws made under this section by the county council.

(4) A sanitary authority may at all reasonable times enter any premises in the district of the authority for the purpose of ascertaining whether there is occurring in the premises any contravention of any byelaw made under this section.

(5) For the purpose of complying with the provisions of any byelaw made under this section, the owner of any

PART IV. —*cont.*

premises may, notwithstanding anything to the contrary in any lease, under-lease or agreement relating to the premises or any part thereof, enter the premises or any part thereof and do all such things as may be necessary for securing compliance with the said provisions.

If the occupier of the premises or part suffers damage by reason of anything negligently or improperly done by the owner in pursuance of this subsection, the petty sessional court having jurisdiction in the area in which the premises are situate may, on the application of the occupier and after giving the owner an opportunity of being heard, make an order for the payment of such compensation by the owner to the occupier as the court thinks proper.

(6) As respects the city the common council may make byelaws for the purposes for which the county council are authorised to make byelaws under subsection (1) of this section.

(7) The Minister, on the application of the port health authority, may by order extend to so much of the port of London as is within the county, any byelaws made by the county council under this section.

PART V.

SMOKE CONSUMPTION.

Furnaces and steam vessels to consume their own smoke.

147.—(1) Every furnace used in the working of engines by steam, and every furnace used in any public bath or washhouse, or in any mill, factory, printing house, dyehouse, iron foundry, glasshouse, distillery, brewhouse, sugar refinery, bakehouse, gasworks, waterworks or other building used for the purpose of trade or manufacture (although a steam engine is not used therein), shall be constructed so as to consume or burn as far as practicable the smoke arising from the furnace.

(2) If any person, being the owner or occupier of the premises, or being a foreman or other person employed by the owner or occupier,—

(*a*) uses any such furnace as aforesaid which is not constructed so as to consume or burn as far as practicable the smoke arising therefrom; or

PART V. —*cont.*

(*b*) so negligently uses any such furnace that the smoke arising therefrom is not effectively consumed or burnt; or

(*c*) carries on any trade or business which occasions any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting the effluvia or annoyance,

that person shall be liable to a fine not exceeding twenty-five pounds or, in the case of a second conviction, to a fine of fifty pounds or, in the case of a third or subsequent conviction, to a fine double the amount of the fine imposed on the last preceding conviction:

Provided that, in relation to a furnace on a ship habitually used as a sea-going ship, the foregoing provisions of this subsection shall have effect as if for the words "twenty-five" and "fifty" there were therein respectively substituted the words "five" and "ten."

(3) Every steam engine or furnace used in the working of any steam vessel on the River Thames, either above London Bridge, or plying to and fro between London Bridge and any place on the River Thames westward of the Nore light, shall be constructed so as to consume or burn as far as practicable the smoke arising from the engine or furnace; and if any such steam engine or furnace is not so constructed, or being so constructed is wilfully or negligently used so that the smoke arising therefrom is not effectively consumed or burnt as far as practicable, the owner or master of the vessel shall be guilty of an offence and liable to a fine not exceeding five pounds or, in the case of a second conviction, to a fine of ten pounds or, in the case of a third or subsequent conviction, to a fine double the amount of the fine imposed on the last preceding conviction.

(4) It shall be the duty of every sanitary authority to enforce within their district the provisions of this section and no proceedings shall be taken by virtue of this section except under the direction of a sanitary authority:

Provided that, if in any special case a sanitary authority request the county council so to do, the county

council may enforce the provisions of this section in lieu of the sanitary authority. PART V. —*cont.*

(5) It shall be the duty of every officer of a sanitary authority, and of every relieving officer, to inform the sanitary authority of the occurrence within their district of any offence under this section; and for the purpose of enforcing this section a sanitary authority may enter any premises at any hour by day, or at any hour when business is being, or is usually, carried on in the premises.

(6) In this section (except in its application to a ship habitually used as a sea-going ship) the expression "smoke" includes soot, ash, grit and gritty particles.

(7) This section, except the proviso to subsection (5), shall extend to the port of London and, as respects the port, shall be enforced by the port health authority.

(8) Nothing in this section shall affect any of the provisions of the City of London Sewers Act, 1851. 14 & 15 Vict. c. xci.

148.—(1) The following matters, that is to say :— Smoke nuisances.

(*a*) any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse or gaswork, or in any manufacturing or trade process whatsoever;

(*b*) any chimney (not being the chimney of a private dwelling-house or the chimney of a ship habitually used as a sea-going ship) sending forth smoke in such quantity as to be a nuisance; and

(*c*) any chimney of a ship habitually used as a sea-going ship sending forth black smoke in such a quantity as to be a nuisance,

shall be nuisances which may be dealt with summarily under this Act, and are in this Act referred to as "smoke nuisances":

Provided that—

(i) the court hearing a complaint against a person in respect of a nuisance arising from

PART V. —*cont.*

a fireplace or furnace which does not consume the smoke arising from the combustible used in the fireplace or furnace, shall hold that no nuisance is created, and dismiss the complaint, if satisfied that the fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that the fireplace or furnace has been carefully attended to by the person having the charge thereof; and

(ii) in any proceedings for sending forth smoke, other than black smoke, from a chimney in such a quantity as to be a nuisance, it shall be a defence for the person charged to show that he has used the best practicable means for preventing the nuisance, having regard to the cost and to local conditions and circumstances; and for the purposes of this proviso, the expression "best practicable means" shall be construed as referring not only to the provision and efficient maintenance of adequate and proper plant for preventing the creation and emission of smoke, but also to the manner in which such plant is used.

(2) If in any special case a sanitary authority request the county council so to do, the county council may enforce the provisions of this section in lieu of the sanitary authority.

(3) In this section (except in its application to a ship habitually used as a sea-going ship) the expression "chimney" includes every structure or opening of any kind whatsoever capable of emitting smoke, and the expression "smoke" includes soot, ash, grit and gritty particles.

County council's powers as respects sanitary authority's premises.

149. The county council may enforce the provisions of the last two foregoing sections in relation to any such premises (not being premises within the port of London) as belong to, or are used by, a sanitary authority, and for the purpose of exercising their powers under this section, may act as if they were a sanitary authority and the county were their district.

PART V. —*cont.*

Notice of nuisance to be given to occupier of premises.

150. Where, in the opinion of any officer duly authorised by a sanitary authority to act in that behalf, a smoke nuisance exists, he shall, as soon as practicable after he has become aware thereof, notify the occupier of the premises on which the nuisance exists, and, if that notification was not in writing, shall, within twenty-four hours after he has become aware of the nuisance, confirm the notification in writing:

Provided that the foregoing provisions of this section shall not apply in relation to a ship habitually used as a sea-going ship.

Byelaws as to smoke.

151.—(1) The county council may, and if so required by the Minister shall, make byelaws regulating the emission of smoke of such colour, density or content as may be prescribed by the byelaws, and where such byelaws are in force, the emission of smoke of the character so prescribed for such period as may be prescribed in the byelaws, either from buildings generally to which the provisions of this Part of this Act apply or from such classes of those buildings as may be so prescribed, shall, until the contrary is proved, be deemed to be a nuisance:

Provided that byelaws made under this section shall not apply in relation to any ship habitually used as a sea-going ship.

(2) The foregoing subsection shall, in its application to the city and to the port of London, have effect as if for the reference therein to the county council there were respectively substituted references to the common council and to the port health authority.

(3) It shall be the duty of a sanitary authority to enforce any byelaws made by the county council under subsection (1) of this section.

(4) The power of the county council under section four of the London Building Act (Amendment) Act, 1935, shall include power to make byelaws requiring the provision in new buildings (other than private dwelling-houses) of such arrangements for heating or cooking as are calculated to prevent or reduce the emission of smoke.

25 & 26 Geo. 5. c. xcii.

PART V. —*cont.*

Duty of local authorities to furnish information.

152. The county council and every sanitary authority shall, on being required to do so by the Minister, furnish to him such information as he may from time to time require as to their proceedings with regard to the abatement of smoke nuisances.

Research by local authorities.

153.—(1) A sanitary authority may undertake, or may combine with other sanitary authorities in undertaking, investigations and researches into problems relating to atmospheric pollution and the abatement of smoke nuisances, and may contribute towards the cost of similar investigations and researches undertaken by other persons.

The Minister may make rules prescribing restrictions or conditions subject to which the powers conferred by this subsection may be exercised.

(2) The county council may expend such moneys as they think fit, not exceeding in any one financial year the sum of five hundred pounds, in making experiments and investigations with respect to smoke consumption and the abatement of nuisance arising from smoke.

Application to Crown.

154. If it appears to a sanitary authority that a smoke nuisance exists on any premises within their district occupied for the public service of the Crown, they shall report the circumstances to the appropriate government department, and, if the Minister responsible for that department is satisfied after due inquiry that such a nuisance exists, he shall cause such steps to be taken as may be necessary to abate the nuisance and to prevent a recurrence thereof.

PART VI.

TENEMENTS AND LODGING-HOUSES.

General provisions.

Byelaws as to lodging-houses and tenement houses in general.

155.—(1) Subject as hereinafter provided, a borough council may, and any other sanitary authority shall, make such byelaws as are requisite for the following matters, that is to say :—

(*a*) for fixing the number of persons who may occupy a house, or part of a house, which is let in lodgings or occupied by members of

PART VI. —*cont.*

more than one family, and for the separation of the sexes therein;

(*b*) for the registration and inspection of houses so let or occupied;

(*c*) for securing the drainage of such houses, and for promoting cleanliness and ventilation therein;

(*d*) for the cleansing and limewashing of such houses at such times as may be specified in the byelaws;

(*e*) for the taking of precautions in such houses in case of infectious disease:

Provided that byelaws under this section shall not apply to any house or part of a house to which byelaws made, or deemed by virtue of subsection (2) of section sixty-eight of the Housing Act, 1935, to have been made, under section six of the Housing Act, 1925, apply. 25 & 26 Geo. 5. c. 40. 15 & 16 Geo. 5. c. 14.

(2) It shall be the duty of every sanitary authority to enforce the byelaws made by them under this section.

(3) Nothing in this section shall authorise the making of byelaws with respect to a common lodging-house.

Common lodging-houses.

Prohibition of keeping common lodging-house without licence.

156. No person shall keep any premises in a borough as a common lodging-house unless there is in force a licence (hereinafter referred to as "a lodging-house licence") granted to him in respect of those premises by the council of the borough:

Provided that, when the holder of a valid lodging-house licence in respect of any premises dies, his widow or any member of his family may, if notice of his death is given to the borough council forthwith after the occurrence thereof, keep the premises as a common lodging-house for not more than four weeks after his death without being the holder of such a licence as aforesaid.

Applications for lodging-house licences.

157.—(1) Every application for the grant of a lodging-house licence shall be made in writing to the council of the borough in which the premises concerned are situate, and shall specify those premises and the number of lodgers proposed to be received therein.

(2) The borough council shall, as soon as practicable after any such application as aforesaid has been duly

PART VI. —*cont.*

made to them, cause to be made all necessary and proper inquiries and inspections for the purpose of ascertaining—

(*a*) whether the applicant is a fit and proper person to have the control and management of a common lodging-house; and

(*b*) whether the premises in respect of which the application is made are structurally and otherwise suitable for occupation and use as a common lodging-house, having regard to the number, health, safety and convenience of persons occupying or intended to occupy the premises.

Grant, duration, form and renewal of lodging-house licences.

158.—(1) A borough council, upon application being duly made to them for the grant of a lodging-house licence, shall grant such a licence to the applicant in respect of the premises specified in the application, unless the council are of opinion—

(*a*) that the applicant is not a fit and proper person to hold such a licence; or

(*b*) that the premises are not suitable, or suitably equipped, for the purposes of a common lodging-house;

but if the council are of that opinion, they shall not grant the licence.

(2) Subject to the provisions of this Part of this Act, every lodging-house licence shall be valid until the expiration date next following the date on which the licence is granted, and shall then expire unless renewed in accordance with this section:

Provided that, upon the first grant of any such licence, the borough council may direct that the licence shall be valid for such period, being less than two years and ending not later than the expiration date next but one after the date on which the licence is granted, as the council may determine when granting the licence.

(3) Every lodging-house licence shall specify—

(*a*) the holder of the licence;

(*b*) the premises in respect of which the licence is granted; and

(*c*) the maximum number of persons who may at any one time occupy the premises.

PART VI. —*cont.*

(4) Upon application for the renewal of a lodging-house licence made by the holder thereof not later than the end of the period for which the licence is valid, the borough council shall, subject to the provisions of the next following section, renew the licence in respect of the same premises until the expiration date next following the date on which the licence would otherwise expire, unless the council are of opinion that grounds exist upon which they might, under subsection (1) of this section, have refused the application if it had been for the grant of the licence; but, if the council are of that opinion, they shall not renew the licence.

Whenever a lodging-house licence is renewed as aforesaid, it shall be valid until the end of the period for which it is renewed.

(5) Where a borough council refuse an application for the grant of a lodging-house licence, they shall, if requested by the applicant so to do, deliver to him a written statement of the ground of their refusal.

(6) In this section the expression " expiration date " means such day in each year as the borough council may fix for the expiration of lodging-house licences.

Appeal against refusal to grant or renew lodging-house licence.

159.—(1) Any person aggrieved by the refusal of a borough council to grant or renew a lodging-house licence may, within fourteen days from the date of the refusal and on giving the council at least twenty-four hours' notice of his intention so to do, appeal against the refusal to a metropolitan police court magistrate.

(2) On any such appeal, the magistrate may, if the ground, or one of the grounds, of the refusal appealed against is that the premises are not suitable, or suitably equipped, for the purposes of a common lodging-house, appoint a properly qualified surveyor or architect to examine and report to him upon the condition of the premises and their suitability for the purposes of a common lodging-house.

(3) The costs of any such appeal (including the expenses of any such examination and report as aforesaid) shall be paid in such manner, and by such party to the appeal, as the magistrate hearing it may direct.

PART VI. —*cont.*

Register of common lodging-house keepers.

160.—(1) The council of a borough shall keep a register (in this section referred to as "a register of common lodging-house keepers"), in which shall be entered the names and residences of the keepers of all common lodging-houses in the borough, the situation of every such house and the number of lodgers authorised under this Part of this Act to be received therein.

(2) The person having the custody of a register of common lodging-house keepers shall, upon application made at any reasonable time for a certified copy of any entry in the register, supply the applicant with such a copy of that entry, free of charge.

(3) A copy of any entry made in a register of common lodging-house keepers, certified by the person having the custody of the register to be a true copy, shall be evidence of the matters stated in that entry.

Superintendence of common lodging-houses.

161.—(1) The keeper of a common lodging-house, or some proper and responsible substitute or deputy nominated by him and approved in writing by the borough council, shall reside constantly in the common lodging-house, and shall be present therein from nine p.m. on each day until six a.m. on the next day.

(2) If the provisions of the foregoing subsection are not complied with in the case of a common lodging-house, the keeper thereof shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) If the keeper of a common lodging-house is convicted of an offence under this section, the borough council may revoke, or suspend for such period as they think fit, or refuse to renew, any lodging-house licence granted to him.

Byelaws as to common lodging-houses.

162. The county council may make byelaws—

(*a*) for fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein;

(*b*) for promoting cleanliness and ventilation in common lodging-houses;

PART VI. —*cont.*

(*c*) for the giving of notices, and the taking of precautions, in the case of any infectious disease occurring in a common lodging-house;

(*d*) generally for the well-ordering of common lodging-houses.

Inspection of common lodging-houses.

163. The keeper of a common lodging-house, and every other person having, or taking part in, the care or management thereof, shall, whenever required by an officer of the metropolitan police force or of the council of the borough in which the lodging-house is situate so to do, give that officer free access to the house or any part thereof.

Infectious or contagious diseases in common lodging-houses.

164.—(1) When any person in a common lodging-house in a borough is suffering from fever or any infectious or contagious disease, the council of the borough—

(*a*) may, on the certificate of a district medical officer of health that the disease is infectious or contagious and that the patient may be safely removed, cause him to be removed to a hospital with the consent of the authorities thereof; and

(*b*) may, so far as the council think necessary for preventing the spread of disease, cause any clothes or bedding used by the patient to be disinfected or destroyed; and

(*c*) may award to the owner of any clothes or bedding so disinfected or destroyed reasonable compensation for any injury thereto or for the destruction thereof, as the case may be.

(2) Any compensation awarded to any person under the foregoing subsection shall be paid to that person by the borough council:

Provided that no such compensation shall be paid in respect of any articles until the appropriate officer of the borough council has certified the amount of the compensation in writing upon a list of those articles.

Reports to be made by common lodging-house keepers.

165.—(1) The keeper, or other person having the management, of a common lodging-house in a borough in which beggars or vagrants are received as lodgers shall, whenever required so to do by an order of the council of the borough served upon him, send to the

PART VI. —*cont.*

council, or to such person as the council may direct, a report of every person who resorted to the house during the preceding day or night.

(2) Every such report as aforesaid shall be made on, and in accordance with, forms which shall be supplied for the purpose by the borough council to the person from whom the report is required.

Penalties and legal proceedings.

166.—(1) If any person contravenes or fails to comply with any of the provisions of this Part of this Act relating to common lodging-houses or any byelaw made under the said provisions, that person shall be guilty of an offence and, unless some special penalty in respect of the offence is prescribed by this Part of this Act, shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day during which the offence continues.

(2) In any proceedings for such an offence as aforesaid the inmates of a house or part of a house shall, until the contrary is proved, be presumed not to be members of the same family.

PART VII.

PUBLIC BATHS AND WASH-HOUSES.

Provision of public baths and wash-houses.

Provision of baths and wash-houses.

167.—(1) The council of a borough may provide, purchase or take on lease, and may maintain, public baths and wash-houses in the borough or in the immediate neighbourhood thereof (whether within or without the county), and may equip with all requisite furniture, fittings and conveniences the baths and wash-houses maintained by the council.

(2) Without prejudice to the generality of the foregoing subsection a borough council may provide, maintain and operate, in, or in connection with, any baths or wash-houses maintained by the council, mechanical washers, mechanical wringers, box mangles and other mechanical and time-saving appliances for the use, convenience or assistance of persons resorting to the baths or wash-houses:

Provided that nothing in this subsection shall authorise a borough council to carry on the business of a launderer, or to permit any person to use any such

appliance as aforesaid for the purpose of a laundry, dyeing or cleaning business. PART VII. —*cont.*

(3) For the purpose of the exercise of their powers under the foregoing provisions of this section, the council of a borough—

(*a*) may, with the approval of the Minister, appropriate any land vested in the council or in any trustees or other persons for the general benefit of the inhabitants of the borough; and

(*b*) may, subject to the following provisions of this section, contract with any person for the supply of water, light, materials or equipment or for the execution of any work.

(4) The following provisions shall have effect in relation to contracts which may be entered into by a borough council in pursuance of paragraph (*b*) of the foregoing subsection :—

(*a*) the contract shall specify the work to be executed, or the thing to be supplied, under the contract, the price to be paid, the time within which the contract is to be performed, and the pecuniary penalty to be paid to the council in the event of non-performance of the contract;

(*b*) the council shall not enter into any contract of a value or amount exceeding one hundred pounds, unless, at least fourteen days previously, there has been advertised in at least one newspaper published in the county a notice intimating the intention of the council to enter into such a contract, and inviting persons willing to undertake the contract to submit tenders to the council at a time and place specified in the notice, so however that nothing in this paragraph shall oblige the council to contract with the person by whom the lowest price is offered.

Acquisition of land.

168.—(1) A borough council may acquire land by agreement for the purposes of this Part of this Act, and for that purpose the Lands Clauses Acts, except the provisions thereof relating to the acquisition of land

PART VII. —*cont.*

otherwise than by agreement, shall be incorporated with this Act.

(2) A borough council may be authorised to acquire land compulsorily for the purposes of this Part of this Act by means of an order made and submitted to the Minister by the council and confirmed by him in accordance with the provisions of the Third Schedule to this Act:

Provided that nothing in this section shall authorise the compulsory acquisition of land which—

(*a*) is the property of a local authority, or

(*b*) has been acquired by any body corporate for the purposes of a railway, dock, canal, water or other public undertaking, or

(*c*) at the date of the order, forms part of any park, garden or pleasure ground or is otherwise required for the amenity or convenience of a dwelling-house.

Transfer of privately owned baths and wash-houses to borough councils.

169.—(1) The trustees of any public baths or wash-houses which have been provided by private subscription or otherwise and are situate in, or in the immediate neighbourhood (whether within or without the county) of, a borough, may, with the consent of the majority of the persons by whom the trustees were appointed, sell or lease the said baths or wash-houses to the council of the borough, or transfer the management thereof to the council.

(2) All baths and wash-houses which are sold or leased under this section to a borough council, or the management of which is transferred under this section to such a council, shall vest in the council and be deemed to have been provided by the council under this Part of this Act.

Supply of water and gas to baths and wash-houses on special terms.

170. Any undertakers or other persons having the management of gas works, waterworks, canals, reservoirs, wells or streams of water may furnish supplies of gas or water to baths and wash-houses maintained by a borough council, either free of charge or on such other favourable terms as the undertakers or other persons think fit.

Management and use of public baths and wash-houses.

General provisions as to management and regulation of baths and wash-houses.

171.—(1) A borough council may make byelaws with respect to the management, regulation and use of the baths and wash-houses maintained by the council, and with respect to the regulation thereat of persons resorting thereto, and may prescribe, in respect of any offence under the byelaws, a penalty of such amount, not exceeding five pounds, as the council think fit.

(2) A printed copy or sufficient abstract of any byelaws under this section relating to the use of public baths shall be posted in every bathroom or bathing place to which the byelaws relate, and a printed copy or sufficient abstract of any such byelaws relating to the use of public wash-houses shall be posted in some convenient place near every washing tub or trough, or pair of washing tubs or troughs, in every public wash-house to which the byelaws relate.

(3) A borough council or any officer of such a council may remove from any bath or wash-house maintained by the council any person committing an offence under any of the byelaws made by the council under this Part of this Act.

(4) A borough council or any officer of such a council may refuse to admit to any of the baths or wash-houses maintained by the council any person who has been convicted of—

(*a*) an offence under any byelaw made by the council under this Part of this Act, or

(*b*) an offence against public decency in any of the baths or wash-houses maintained by the council.

(5) Every bath or wash-house maintained by a borough council shall be deemed to be a public and open place for the purpose of any offence against decency committed therein.

PART VII. —*cont.*

Use of public swimming baths when closed.

172.—(1) A borough council may, during any period between the first day of October in any year and the last day of April in the next following year, close any swimming bath maintained by the council, and, subject as hereinafter provided, may, at any time while the swimming bath is closed, use it for such purposes, or allow it to be used or let it for such purposes, and upon such terms and conditions, as the council in their discretion think proper:

Provided that the following restrictions shall have effect with respect to any concert or other entertainment provided by the council by virtue of this subsection, that is to say:—

(*a*) no stage play shall be performed;

(*b*) the concert or other entertainment shall not include any performance in the nature of a variety entertainment;

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

(*d*) no scenery, theatrical costumes or scenic or theatrical accessories shall be used.

(2) The power of a borough council to make byelaws under this Part of this Act shall include power to make byelaws for the regulation, management and use of a swimming bath when used for any of the purposes authorised by this section.

(3) Nothing in this section shall authorise the use of a swimming bath for the public performance of stage plays, for public music, for public music and dancing, for any other public entertainment of the like kind, for cinematograph exhibitions or for public boxing, without such a licence as is required by law for the use of a place for any such purpose, or without the giving of such notice as is required by subsection (2) of section seven of the Cinematograph Act, 1909, as the case may be; and any conditions attached to the grant of such a licence in respect of a swimming bath, and any regulations or conditions made or imposed under the said subsection (2)

9 Edw. 7. c. 30.

with respect to a swimming bath, shall have effect notwithstanding anything in any byelaw made by virtue of this section. PART VII. —*cont.*

(4) Where any swimming bath maintained by a borough council is used for any of the purposes mentioned in the last preceding subsection under such a licence as is therein referred to, the borough council shall be responsible for any breach of any condition attached to the licence which may occur whilst the swimming bath is being so used with their permission.

Charges for use of baths and wash-houses.

173.—(1) A borough council may make, in respect of the use of any bath or wash-house maintained by them, charges at such rates as may be fixed by a scale authorised by a resolution of the council.

(2) A borough council shall, at least one month before proceeding to consider a resolution authorising a scale of charges for the purpose of the foregoing subsection, cause the proposed scale to be published in at least one newspaper circulating in the borough and in such other manner as the council think necessary for informing persons interested.

(3) Where, at the commencement of this Act, a borough council have not authorised a scale of charges in pursuance of section eighty-five of the Public Health Act, 1925, then, until such a scale is authorised by the council under the foregoing provisions of this section, the charges for the use of baths and wash-houses maintained by the council shall, subject as hereinafter provided, be such as they may determine:

Provided that the charges made under this subsection for the use of baths or wash-houses of any such class as is specified in the Fourth Schedule to this Act shall be such as are set out in that Schedule in relation to baths or wash-houses of that class, and the provisions of that Schedule shall have effect in relation to any such charges.

(4) A borough council may make such charges as they may determine in respect of the use of any mechanical washers, mechanical wringers, box mangles or other mechanical or time-saving appliances provided by the council under this Part of this Act, or under the corresponding provision of any enactment repealed by this

PART VII. —*cont.*

Act, in, or in connection with, any bath or wash-house maintained by the council, and subsections (1) to (3) of this section shall not apply with respect to such charges.

(5) If any person refuses to pay a charge which is payable by him in respect of the use of any wash-house maintained by a borough council, the council may seize any property of that person which is deposited at the wash-house and may detain it until payment of the charge is made; and if the charge is not paid within seven days from the date of the seizure of any such property, may sell the whole or part of the property detained and retain the proceeds of the sale up to an amount not exceeding the aggregate of the sum payable in respect of the charge and of the expenses of the detention and sale; but any of the property which is unsold, and the amount (if any) by which the proceeds of the sale exceed the sum which the council are authorised as aforesaid to retain, shall be returned to the said person on demand made by him at any time after the council have received the proceeds of the sale.

Miscellaneous and supplementary provisions.

Borrowing powers of borough councils.

174. A borough council may, with the consent of the Minister, borrow for the purpose of defraying any expenditure incurred or to be incurred by the council in pursuance of this Part of this Act.

Penalty for taking fees or being interested in contracts.

175. If any person, being a member of a borough council or being employed by such a council for the purposes of this Part of this Act,—

(*a*) exacts or accepts, in respect of any act or omission pursuant to this Part of this Act, any fee or reward other than the remuneration (if any) fixed in his case by the council, or

(*b*) is in any way interested in any contract entered into by the council for the purposes of this Part of this Act,

that person shall be liable to a fine of fifty pounds and shall be for ever disqualified for employment under a

borough council for the purposes of this Part of this Act or under any authority for the purposes of the Baths and Washhouses Act, 1846. 9 & 10 Vict. c. 74.

Accountability of officers. 8 & 9 Vict. c. 16.

176. For the purposes of this Part of this Act, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the accountability of the officers of a company shall, so far as those provisions are applicable to the said purposes, and subject to the provisions of this Part of this Act, be incorporated with this Act, so, however, that references in the said provisions of the Companies Clauses Consolidation Act, 1845, to the company and to the directors shall be construed as references to the borough council.

Detention of offenders.

177. Any officer of the borough council, and any person called by such an officer to his assistance, may, without any other authority than this section, seize and detain any person who has committed an offence under this Part of this Act or under any byelaw made thereunder, and whose name and residence are unknown to the officer, and convey the offender as soon as may be before a justice; and the justice shall thereupon proceed as soon as may be to hear and determine the complaint against the offender.

Application of penalties and legal proceedings.

178.—(1) The court by which any fine is imposed in respect of an offence under this Part of this Act or under any byelaw made thereunder may award one-half of the fine to the informer; and such part of any fine recovered by virtue of this Part of this Act as is not awarded to the informer shall be paid to the borough council concerned.

(2) No proceedings taken by virtue of this Part of this Act shall be removed by certiorari or otherwise into the High Court.

Appeals to quarter sessions.

179. Any person who considers himself aggrieved by any byelaw made, or direction given, by a borough council under this Part of this Act may appeal therefrom to quarter sessions in like manner as if the appeal were an appeal against a determination of a court of summary jurisdiction under the Summary Jurisdiction Acts.

PART VIII.

FOOD.

General Provisions.

Inspection and destruction of unsound meat, &c.

180.—(1) A district medical officer of health or sanitary inspector may at all reasonable times enter any premises and inspect and examine—

(*a*) any animal intended for food which is exposed for sale or deposited for the purpose of sale or of preparation for sale; and

(*b*) any article, whether solid or liquid, intended for food, and sold or exposed for sale or deposited for the purpose of sale or of preparation for sale;

and if any such animal or article appears to the medical officer or inspector to be diseased or unsound or unwholesome or unfit for food, he may seize and carry away the animal or article himself or by an assistant, in order to have it dealt with by a justice.

(2) If it appears to a justice that any animal or article which has been seized, or is liable to be seized, under this section is diseased or unsound or unwholesome or unfit for food, he shall condemn the animal or article, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for food; and the person to whom the animal or article belongs, or did belong at the time of sale or exposure for sale, or deposit for the purpose of sale or of preparation for sale, or in whose possession or on whose premises it was found, shall, in respect of each animal or article or, if the article consists of fruit, vegetables, corn, bread or flour, in respect of each parcel thereof, so condemned or liable to be condemned, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

(3) Where it is shown that any article liable to be seized under this section, and found in the possession of any person, was purchased by him from another person for food, and when so purchased was in such a condition as to be liable to be seized and condemned under this section, the person who so sold the article shall be

guilty of an offence and liable to the punishment above mentioned, unless he proves that at the time he sold the said article he did not know, and had no reason to believe, that it was in such a condition as aforesaid. PART VIII. —*cont.*

(4) Where a person convicted of an offence under the foregoing provisions of this section has, within twelve months previously, been convicted of such an offence, the court may, if it thinks fit and finds that he knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such form and manner, and for such period not exceeding twenty-one days, as the court may order, to any premises occupied by that person, and that he pay the costs of affixing the notice; and if any person obstructs the affixing of the notice, or during the said period removes, defaces or conceals the notice while affixed, he shall be liable to a fine not exceeding five pounds.

(5) If the occupier of a licensed slaughter-house is convicted of an offence under subsection (2) or subsection (3) of this section, the court convicting him may cancel the licence for the slaughter-house.

(6) If any person obstructs an officer in the performance of his duty under a warrant for entry into any premises granted by a justice for the purposes of this section, he shall, if the court is satisfied that he obstructed with intent to prevent the discovery of an offence under this section, or has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any fine authorised by this Act for such obstruction.

(7) A justice may act in adjudicating on an offender under this section, whether the justice has or has not acted in ordering the animal or article to be destroyed or disposed of.

(8) Where a person has in his possession any article which is unsound or unwholesome or unfit for food, he may, by written notice to the sanitary authority, specifying the article and containing a sufficient identification of it, request its removal, and the sanitary authority shall cause it to be removed as if it were trade refuse.

PART VIII. —*cont.*

(9) For the purposes of this section, any animal or article capable of being used for food shall, until the contrary is proved, be presumed to be exposed for sale or deposited for the purpose of sale or of preparation for sale or intended for food, as the case may be.

(10) Every animal or article (whether solid or liquid) which is intended for food and which—

(*a*) is offered as a prize or reward in connection with any entertainment at any gathering or assembly or in any premises to which the public are admitted, whether on payment of money or for other consideration or not; or

(*b*) is offered as a prize or reward or is given away for the purpose of advertisement or in furtherance of any trade or business; or

(*c*) is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid,

shall be deemed, for the purposes of this section, to be sold or exposed for sale or deposited for the purpose of sale or of preparation for sale, as the case may be.

(11) In this section the expression "food" means food for human consumption, and the expression "entertainment" includes any exhibition, performance, amusement, game, sport or trial of skill.

Sanitary provisions as to premises used for sale, &c. of food for human consumption.

181.—(1) The following provisions shall have effect in relation to every room, shop or other part of a building in which any article (whether solid or liquid) intended or adapted for food for human consumption is sold or exposed for sale, or deposited for the purpose of sale or of preparation for sale or with a view to sale :—

(*a*) no sanitary convenience or ashpit shall be within the room, shop or part of a building, or communicate therewith except through the open air or through an intervening ventilated space;

(*b*) a cistern used for supplying water to the room, shop or part of a building shall not be in direct communication with, or directly discharge into, any sanitary convenience or ashpit;

PART VIII. —*cont.*

(*c*) no drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within the room, shop or part of a building;

(*d*) the room, shop or part of a building shall not be used as a sleeping place, and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid, no sleeping place adjoining the room, shop or part of a building shall communicate therewith except through the open air or through an intervening ventilated space;

(*e*) no refuse or filth (whether solid or liquid) shall be deposited, or be allowed to accumulate, in the room, shop or part of a building, except so far as may be reasonably necessary for the proper carrying on of trade or business;

(*f*) due cleanliness shall be observed in regard to the room, shop or part of a building and all articles, apparatus and utensils therein, and by persons engaged therein.

(2) If any person occupies or lets, or knowingly suffers to be occupied, any room, shop or other part of a building in respect of which any of the provisions of this section are contravened, or does, or knowingly permits, any act or thing therein in contravention of this section, he shall be guilty of an offence and liable to a fine not exceeding, in the case of a first offence, twenty shillings or, in the case of a second or subsequent offence, five pounds, and in either case to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) It shall be the duty of every sanitary authority to enforce in their district the provisions of this section.

(4) A sanitary authority may, at all reasonable times, enter any premises in their district for the purpose of ascertaining whether there is any contravention of this section.

(5) For the purpose of complying with this section, the owner of any premises may, notwithstanding anything to the contrary in any lease, under-lease or agreement relating to the premises or any part thereof, enter the premises or any part thereof and do all such things as may be necessary for securing compliance with this

PART VIII. —*cont.*

section; but if the occupier of the premises or part suffers damage by reason of anything negligently or improperly done by the owner in pursuance of this subsection, the petty sessional court having jurisdiction in the area in which the premises are situate may, on the application of the occupier and after giving the owner an opportunity of being heard, make an order for the payment of such compensation by the owner to the occupier as the court thinks proper.

(6) For the purposes of this section, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Notification of food poisoning.

182.—(1) If a legally qualified medical practitioner becomes aware or suspects that a person attended by him (in this section referred to as "the patient") is suffering from food poisoning, the practitioner shall forthwith send to the district medical officer of health or, if there are two or more district medical officers of health, to such one of those officers as is in charge of the area in which the patient is, or to such other of those officers as the sanitary authority may direct, a certificate stating—

(*a*) the full name and the age and sex of the patient;

(*b*) the address of the premises where the patient is; and

(*c*) particulars of the food poisoning from which the patient is, or is suspected to be, suffering,

and also stating whether the case occurs in the private practice of the medical practitioner or in his practice as the medical officer of a public body or institution.

(2) A certificate required by this section to be sent to a medical officer of health may be sent to him at his office or residence.

(3) If a medical practitioner fails to comply with the provisions of subsection (1) of this section, he shall be liable to a fine not exceeding forty shillings.

(4) It shall be the duty of every sanitary authority to enforce in their district the provisions of this section.

(5) Notwithstanding anything in this or any other Act, the whole of every fine recovered in proceedings

taken by a sanitary authority in pursuance of this section shall be paid to that authority. PART VIII.—*cont.*

(6) A sanitary authority shall pay to every legally qualified medical practitioner, in respect of each certificate sent by him in accordance with this section, a fee of two shillings and sixpence, if the case occurs in his private practice, or of one shilling, if the case occurs in his practice as a medical officer of any public body or institution.

A medical practitioner who is also a district medical officer of health shall be entitled under this subsection to the same fee as if he were not such an officer.

(7) The acceptance by a medical practitioner of any payment made under this section by a sanitary authority shall not disqualify him for being a member of the sanitary authority or for holding any other public office.

Food byelaws.

183.—(1) The county council or, as respects the city, the common council may make byelaws (in this Act referred to as "food byelaws") for promoting sanitary and cleanly conditions in the manufacture, preparation, storage, transport or exposure for sale of any article intended to be sold for food for human consumption.

(2) Any food byelaws made by the county council may be made to apply generally or to any particular district or part of a district of a sanitary authority, and any food byelaws may provide that the byelaws shall have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws.

(3) It shall be the duty of every sanitary authority to enforce in their district the provisions of any food byelaws.

(4) Notwithstanding anything in this or any other Act, the whole of every fine recovered in proceedings taken by a sanitary authority in pursuance of this section shall be paid to that authority.

(5) A sanitary authority may enter any premises or place in their district to which they have reasonable cause to suppose that any food byelaws apply, for the purpose of ascertaining whether there is occurring therein any contravention of the provisions of the food byelaws:

PART VIII. —*cont.*

Provided that, in exercising the powers conferred on them by this section at any premises owned or used by a railway company, the sanitary authority shall comply with such reasonable requirements of the company as are necessary to prevent obstruction to, or interference with, the working of the traffic of the railway thereat, and the railway company shall not be liable for any accident or injury happening to any officer, servant or agent of a sanitary authority upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

Accommodation for storage and cooking of food in tenement houses.

184.—(1) If at any time it appears to a sanitary authority that, in any tenement house within their district, sufficient and suitable accommodation for the storage or cooking of food is not provided for the use of each family occupying the house, on the storey, or one of the storeys, in which are situate the rooms or lodgings in the separate occupation of that family, the sanitary authority may, if the provision of such accommodation is practicable, serve on the owner of the house a notice requiring him to provide, within such reasonable time as may be specified in the notice, sufficient and suitable accommodation for the storage or cooking of food, as the case may be; and if the owner fails to comply with the requirements of the notice, he shall be guilty of an offence and liable to a fine not exceeding forty shillings, and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction:

Provided that this subsection shall not apply—

(*a*) as respects accommodation for the cooking of food, to any tenement house used or occupied as such before the beginning of August, nineteen hundred and eight, or

(*b*) as respects accommodation for the storage of food, to any tenement house used or occupied as such before the sixteenth day of August, nineteen hundred and nine.

(2) A sanitary authority may, at all reasonable times, enter any tenement house in the district of the authority for the purpose of ascertaining the accommodation (if any) provided for the storage of food in the house, or of ascertaining whether

there is any contravention of the provisions of this section or any non-compliance with the requirements of any notice given thereunder. PART VIII. —*cont.*

(3) For the purpose of complying with the provisions of this section or with the requirements of any notice given thereunder, the owner of a tenement house may, notwithstanding anything to the contrary in any lease, underlease or agreement relating to the house or any part thereof, enter the house or any part thereof and do all such things as may be necessary for securing compliance with the said provisions or requirements, as the case may be; but if the occupier of the house or part suffers damage by reason of anything negligently or improperly done by the owner in pursuance of this subsection, the petty sessional court having jurisdiction in the area in which the house is situate may, on the application of the occupier and after giving the owner an opportunity of being heard, make an order for the payment of such compensation by the owner to the occupier as the court thinks proper.

(4) It shall be the duty of every sanitary authority to enforce in their district the provisions of this section.

(5) For the purposes of this section, so far as it relates to accommodation for the cooking of food, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Milk.

Power of sanitary authorities to refuse to register names of dairymen. 5 & 6 Geo. 5. c. 66.

185.—(1) A sanitary authority may remove from the register kept by them under the Milk and Dairies (Consolidation) Act, 1915, of persons carrying on in the district of the authority the trade of dairyman, or may refuse to enter in that register, the name of any person carrying on, or proposing to carry on, the trade of dairyman upon premises which are, in the opinion of the sanitary authority, for any reason unsuitable for the sale of milk therein :

Provided that, for the purposes of this subsection, premises shall not be treated as unsuitable for the sale of milk therein on any ground inconsistent with any order or regulation made under any enactment for the time being in force and applicable to the premises.

PART VIII. —*cont.*

(2) Any person who thinks himself aggrieved by a decision of a sanitary authority under the provisions of this section may, at any time within twenty-one days from the date of the decision, appeal against it to a court of summary jurisdiction, and if on any such appeal it appears to the court that the premises of the appellant are in all respects suitable for the sale of milk therein, the court may make an order requiring the sanitary authority to enter or restore the name of the appellant in the register.

Horse-flesh.

Regulation of sale of horse-flesh.

186.—(1) No person shall sell any horse-flesh as food for human consumption, or offer, expose or keep any horse-flesh for sale as such food, elsewhere than in a shop, stall or place on or over which there is placed in a conspicuous position, so as to be visible so long as horse-flesh is being offered or exposed for sale in the shop, stall or place, as the case may be, a notice indicating, in legible characters of not less than four inches in length, that horse-flesh is sold therein.

(2) No person shall supply horse-flesh as food for human consumption to any purchaser who has asked to be supplied with some meat other than horse-flesh or with some compound article of food which is not ordinarily made with horse-flesh.

(3) Any district medical officer of health, sanitary inspector or other officer of a local authority authorised by them for the purposes of this section may, at all reasonable times, examine any meat found by him within the district of the local authority which he has reason to believe to be horse-flesh and which is—

(*a*) exposed for sale, or deposited for the purpose of sale or of preparation for sale, elsewhere than in such a shop, stall or place as is described in subsection (1) of this section, and

(*b*) intended to be sold as food for human consumption;

and if upon examination the meat appears to him to be horse-flesh, he may remove it, or cause it to be removed, in order that it may be dealt with by a justice in accordance with this section.

PART VIII. —*cont.*

(4) On complaint made on oath by a district medical officer of health, sanitary inspector or other officer of a local authority, any justice may issue a warrant authorising the complainant—

(*a*) to enter any building or part of a building in the district of the local authority, other than such a shop, stall or place as is described in subsection (1) of this section, being a building in which the complainant has reason to believe that there is being kept any horse-flesh intended for sale, or for preparation for sale, as food for human consumption in contravention of the provisions of this section; and

(*b*) to search for such horse-flesh as aforesaid, and to remove or cause to be removed from the building any meat found by him therein which appears to him to be such horse-flesh as aforesaid, in order that it may be dealt with by a justice in accordance with this section.

(5) If it appears to any justice that any meat removed under the foregoing provisions of this section is horse-flesh intended for sale, or for preparation for sale, as food for human consumption in contravention of this section, he may make such order with regard to the disposal of the meat as he thinks desirable, and the person in whose possession or on whose premises the meat was found shall, unless he proves that the meat was not intended to be sold in contravention of this section as food for human consumption, be guilty of an offence.

(6) Every person who obstructs an officer of a local authority in the discharge of his functions under this section shall be guilty of an offence.

(7) If any person contravenes any of the provisions of this section or is otherwise guilty of an offence under this section, he shall be liable to a fine not exceeding twenty pounds; and for the purpose of any proceedings taken by virtue of this section, any horse-flesh which is proved to have been exposed for sale to the public in any shop, stall or eating-house, other than such a shop, stall or place as is described in subsection (1) of this section, without anything to show that it was not intended for sale as food for human consumption, shall be presumed, until the contrary is proved, to have been so intended.

PART VIII. —*cont.*

(8) In this section—

(*a*) the expression " horse-flesh " includes the flesh of asses and mules, and means horse-flesh, whether cooked or uncooked, and whether alone or accompanied by, or mixed with, some other substance;

(*b*) the expression " local authority " means, as respects the city and the liberties thereof, the common council or, as respects a borough, the council of the borough.

Ice cream and preserved food.

Registration of premises used in connection with sale of ice cream or preserved food.

187.—(1) No premises shall be used for any of the following purposes, that is to say—

(*a*) the sale, or the manufacture for purposes of sale, of any commodity consisting of ice cream or any substance similar thereto, or the storage of any such commodity intended for sale; or

(*b*) the preparation or manufacture of sausages or potted, pressed, pickled or preserved meat, fish or other food intended for sale,

unless the premises are registered under this section for that purpose by the sanitary authority:

Provided that any premises which were, immediately before the twelfth day of July, nineteen hundred and thirty-two, registered under section twenty-nine of the London County Council (General Powers) Act, 1928, for any of the purposes mentioned in that section, shall, if the premises are required to be registered under this section for that purpose, be deemed to have been so registered.

18 & 19 Geo. 5. c. lxxvii.

(2) If any person uses any premises in contravention of this section, he shall be guilty of an offence and liable to a fine not exceeding forty shillings, and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

PART VIII. —*cont.*

(4) If a sanitary authority are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section by the authority, or for which application for registration has been made under this section to the authority, the authority may serve upon—

(*a*) the occupier for the time being of the premises or the person on whose application they were registered, or

(*b*) the person applying for registration,

as the case may be, a notice requiring him to appear before the authority on such day, not being earlier than seven days after the date of the notice, as may be specified therein, in order to show cause why the authority should not, for the reasons specified in the notice, cancel the registration of the premises for the said purpose or refuse the application, and if that person fails to show cause to the satisfaction of the authority why they should not do so, the sanitary authority may cancel the registration of the premises for that purpose or refuse the application.

(5) Any person aggrieved by the decision of a sanitary authority under the last foregoing subsection may, within fourteen days after the date of the decision, appeal to a court of summary jurisdiction after causing written notice of the appeal and of the grounds thereof to be given to the sanitary authority, and on any such appeal the court may by order either confirm the decision of the sanitary authority or require them to keep in force the registration of the premises or to register the premises, as the case may require, and may direct that the costs of the appeal shall be paid in such manner, and by such parties thereto, as the court thinks fit.

(6) Any party to an appeal under the last foregoing subsection who is aggrieved by the decision of the court of summary jurisdiction thereon may appeal from that decision to a court of quarter sessions.

(7) Where, under subsection (4) of this section, a sanitary authority decide to cancel the registration of any premises for any purpose or to refuse an application for the registration of any premises for any

PART VIII. —*cont.*

purpose, the premises shall nevertheless be deemed to be registered under this section for that purpose—

(*a*) until the expiration of the period within which an appeal against the decision may be brought under this section to a court of summary jurisdiction; or

(*b*) where an appeal is so brought, until the appeal is determined or abandoned; or

(*c*) where notice of appeal to quarter sessions from the decision of the court of summary jurisdiction under this section is duly given in accordance with the Summary Jurisdiction Acts, until that appeal is determined or abandoned.

(8) It shall be the duty of every sanitary authority to enforce in their district the provisions of this section.

(9) A sanitary authority may enter any premises in their district to which they have reasonable cause to believe that the provisions of this section apply, for the purpose of ascertaining—

(*a*) whether there is occurring therein any contravention of the said provisions; or

(*b*) in the case of premises which have been registered by the authority under this section for any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them, whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section:

Provided that, in exercising the powers conferred on them by this section at any premises owned or used by a railway company, the sanitary authority shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to, or interference with, the working of the traffic of the railway thereat, and the railway company shall not be liable for any accident or injury happening to any officer, servant or agent of a sanitary authority upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

(10) Notwithstanding anything in this or any other Act, the whole of every fine recovered in proceedings

PART VIII. —*cont.*

taken by a sanitary authority in pursuance of this section shall be paid to that authority.

(11) For the purposes of this section, the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(12) In relation to any premises used as a theatre, music hall or cinema, and in relation to the premises known at the commencement of this Act as the Royal Albert Hall, this section shall have effect as if in paragraph (*a*) of subsection (1) of this section the words "the sale or" and the words "or the storage of any such commodity intended for sale" were omitted therefrom.

(13) This section shall not apply in relation to any premises used as a club, hotel or restaurant.

Regulation of manufacture and sale of ice cream, &c.

188. If any manufacturer of, or dealer in, any commodity consisting of ice cream or of any substance similar thereto—

(1) causes or permits the commodity to be manufactured, sold or stored in any cellar, shed or room in which there is an inlet or opening to a drain or which is used as a living room or sleeping room; or

(2) in the manufacture, sale or storage of the commodity does anything likely to expose the commodity to infection or contamination, or fails to take proper precaution for the due protection of the commodity from infection or contamination; or

(3) on the outbreak of any infectious disease amongst the persons employed in his business, or living or working in or about the premises in which the commodity is manufactured, sold or stored, fails to give notice of the fact forthwith to the district medical officer of health for the district in which the business is carried on or the premises are situate,

he shall be liable to a fine not exceeding forty shillings.

Notice to be exhibited by itinerant vendors of ice cream, &c.

189.—(1) No itinerant vendor of any commodity consisting of ice cream or of any substance similar thereto shall offer the commodity for sale unless—

(*a*) in a case where he is the manufacturer of the commodity, he keeps exhibited in a legible

PART VIII. —*cont.*

form on a conspicuous part of his barrow a notice stating his name and address; or

(*b*) in any other case, he keeps so exhibited a notice stating the name and address of the person from whom he obtains the commodity.

(2) Every person who contravenes the provisions of this section shall be liable to a fine not exceeding forty shillings.

Legal proceedings.

190. Proceedings in respect of an offence under either of the last two foregoing sections shall be taken—

(*a*) in the case of an offence which consists of the failure to give a notice in accordance with paragraph (3) of the last but one foregoing section, by the sanitary authority for the district to the district medical officer of health for which the notice is required by that paragraph to be given ; or

(*b*) in the case of any other offence, by the sanitary authority for the district in which the offence was committed.

Shell-fish.

Provision of means for cleansing shell-fish.

191.—(1) The county council or a sanitary authority may provide tanks or other apparatus for cleansing shell-fish (together with all works and appliances necessary for the proper use thereof) and make, in respect of the use of any tank or other apparatus so provided, such reasonable charges as the council or authority may determine.

(2) The county council or a sanitary authority may contribute, on such terms as may be agreed, towards—

(*a*) the expenses incurred in pursuance of this section by any other authority upon whom powers are conferred by the foregoing subsection;

22 & 23 Geo. 5. c. 28.

(*b*) the expenses incurred in pursuance of the Public Health (Cleansing of Shell-Fish) Act, 1932, by any of the authorities upon whom powers are conferred by that Act;

(*c*) the expenses incurred in pursuance of this section or of that Act by a joint committee of

any of the authorities mentioned in paragraphs (*a*) and (*b*) of this subsection; PART VIII. —*cont.*

(*d*) the expenses incurred by any other person in providing, and making available to the public, means for cleansing shell-fish.

(3) Section one of the Public Health (Cleansing of Shell-Fish) Act, 1932, shall have effect as if the reference in subsection (2) of that section to the expenses incurred in pursuance of that Act included a reference to expenses incurred in pursuance of this section.

(4) Any expenses incurred by the county council in pursuance of this section shall be defrayed as expenses for general county purposes or, if the Minister so directs, as expenses for special county purposes, chargeable upon such part of the county as he may determine.

(5) Without prejudice to the power of the county council to borrow, a sanitary authority may, with the consent of the Minister, borrow for the purposes of this section.

(6) Nothing in this section shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions, as may be approved in writing by the Board of Trade before the work is commenced.

For the purpose of this subsection, the approval of the Board of Trade may be signified under the hand of one of the secretaries or assistant secretaries of the Board.

(7) In this section the expression "cleansing shell-fish" includes the subjection of shell-fish to any germicidal treatment.

PART IX.

PREVENTION AND TREATMENT OF DISEASE.

Notification of diseases.

Notification of infectious disease.

192.—(1) Where an inmate of a house is suffering from a notifiable infectious disease the following provisions shall have effect, that is to say:—

(*a*) the head of the family to which the inmate (in this section referred to as "the patient")

PART IX. —*cont.*

belongs or, in his default, the nearest relative of the patient present in the house or in attendance on the patient or, in default of such relative, the person in charge of, or in attendance on, the patient, or, in default of any such person, the master of the house, shall, as soon as he becomes aware that the patient is suffering from a notifiable infectious disease, send notice thereof to the district medical officer of health for the district in which the house is situate;

(*b*) every medical practitioner attending on, or called in to visit, the patient shall forthwith, on becoming aware that the patient is suffering from a notifiable infectious disease, send to the district medical officer of health a certificate stating the full name and the age and sex of the patient, the full address of the house, and the infectious disease from which, in the opinion of the medical practitioner, the patient is suffering, and stating also whether the case occurs in the private practice of the practitioner or in his practice as a medical officer of a public body or institution; and where the certificate refers to the inmate of a hospital, it shall specify the place from which, and the date on which, the patient was brought to the hospital, and shall be sent to the district medical officer of health for the district in which the said place is situate:

Provided that, where a person suffering from a notifiable infectious disease is admitted as a patient into a hospital belonging to the county council, this section shall not require any notice or certificate that he is suffering from that disease to be given in respect of him by reason of his being in the hospital if, at the time of his admission, a copy of a certificate under this subsection to that effect has been sent by a district medical officer of health to the county council as hereinafter provided.

(2) Where a district medical officer of health receives a certificate under this section, he shall, within twelve hours after receipt of the certificate, send a copy thereof

to the county council, to the head teacher of the school attended by the patient (if a child) and to the head teacher of any school attended by any child who is an inmate of the same house as the patient.

(3) Where there are two or more district medical officers of health for the district of the sanitary authority concerned, a certificate under this section shall be sent to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the sanitary authority may direct.

(4) A notice or certificate required to be sent to a district medical officer of health in pursuance of this section may be sent to him at his office or residence.

(5) The Minister may prescribe forms of certificates to be used for the purposes of this section, and any forms prescribed under this subsection shall be used in all cases to which they apply.

(6) Every person required by this section to send a notice or certificate, who fails forthwith to send it, shall be liable to a fine not exceeding forty shillings:

Provided that, if a person is not required to send notice in the first instance, but only in default of some other person, he shall not be liable to a fine if he satisfies the court that he had reasonable cause to believe that the notice had been duly sent.

(7) Every sanitary authority shall gratuitously supply forms of certificates for the purposes of this section to any medical practitioner residing or practising in their district who applies therefor, and shall pay to a medical practitioner for each certificate sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice, or of one shilling if the case occurs in his practice as medical officer of a public body or institution.

A medical practitioner who is also a district medical officer of health shall be entitled under this subsection to the same fee as if he were not such an officer.

(8) The county council shall repay to every sanitary authority the fees paid by that authority in respect of

PART IX. —*cont.*

the certificates whereof copies have been sent under this section to the council.

(9) This section shall apply in relation to every building, vessel, tent, van, shed or similar structure used for human habitation, in like manner as nearly as may be as if it were a house; but, subject to the provisions of the next following section, nothing in this section shall apply in relation to any house, building, vessel, tent, van, shed or similar structure belonging to His Majesty, or to any inmate thereof, or to any vessel belonging to any foreign government.

(10) The acceptance of any payment under this section by a medical practitioner shall not disqualify him for being a member of the county council or of a sanitary authority or for holding any other public office.

Notification of diseases occurring on certain Crown property.

193. Every case of disease occurring in any building, tent, van, shed or similar structure in the occupation of any of His Majesty's forces or of any person employed by or under the Admiralty, the Army Council or the Air Council, shall be notified by the medical attendant to the district medical officer of health for the district in which the case occurs, if it would have been his duty, under this or any other Act or under any order of the Minister, to notify the case had it occurred elsewhere; and unless the medical attendant is a medical officer who holds a commission in His Majesty's forces, the sanitary authority shall pay him a fee of one shilling in respect of the notification, whether the case occurs in his private practice or otherwise.

Prevention of infectious diseases.

Provision of means for disinfection of articles.

194.—(1) Every sanitary authority shall provide, either within or without their district, proper premises, with all necessary apparatus and attendance, for the destruction and for the disinfection, and carriages or vessels for the removal, of articles which have become infected by any dangerous infectious disease, and may make the like provision for the destruction, disinfection and removal of articles which have become infected by any other disease.

PART IX. —*cont.*

(2) The sanitary authority shall cause any such articles brought for destruction or disinfection, whether alleged to be infected by any dangerous infectious disease or by any other disease, to be destroyed or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.

(3) Any sanitary authorities may discharge their functions under this section by combining for the purposes thereof, or by contracting for the use by one of the contracting authorities of any premises provided for the purpose of this section by another of the contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

(4) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision under this section of premises, apparatus, carriages and vessels for the disinfection, removal or destruction of infected articles.

Cleansing and disinfection of premises, &c.

195.—(1) Where a district medical officer of health or any other legally qualified medical practitioner certifies to the sanitary authority that the cleansing and disinfection of any house or part of a house, and of any articles therein likely to retain infection, or the destruction of the articles, would tend to prevent or check any dangerous infectious disease, the sanitary authority shall serve a notice on the master, or, where the house or part is unoccupied, on the owner, of the house or part, stating that the house or part and the said articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the sanitary authority, unless he informs the sanitary authority, within twenty-four hours after the receipt of the notice, that he will cleanse and disinfect the house or part and the articles, or destroy the articles, to the satisfaction of the district medical officer of health, or of some other legally qualified medical practitioner, within a time fixed in the notice.

(2) If—

(*a*) the person on whom a notice is duly served under the foregoing subsection—

(i) does not, within twenty-four hours after the receipt of the notice, give to the sanitary authority such information as is mentioned in that subsection; or

PART IX. —*cont.*

(ii) having so given that information to the sanitary authority, fails to have the house or part of a house and articles to which the notice relates cleansed and disinfected, or the articles destroyed, as aforesaid within the time fixed in the notice; or

(*b*) the master or owner of the house or part of a house to which such a certificate as is mentioned in subsection (1) of this section relates, gives his consent thereto,

the house or part of a house and articles in question shall be cleansed and disinfected, or the articles destroyed, by the officers and at the expense of the sanitary authority under the superintendence of the district medical officer of health.

(3) For the purpose of carrying into effect this section, the sanitary authority may enter by day on any premises.

(4) The sanitary authority shall provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any dangerous infectious disease has appeared, who have been compelled to leave their dwellings for the purpose of enabling the dwellings to be disinfected by the sanitary authority.

(5) When a sanitary authority have disinfected any house, part of a house or article under the provisions of this section, they shall compensate the master or owner of the house or part of a house, or the owner of the article, for any unnecessary damage thereby caused to the house, part of a house or article; and when a sanitary authority destroy any article under this section, they shall compensate the owner thereof.

The amount of any compensation payable under this subsection shall be recoverable in a summary manner.

(6) A borough council may, with the consent of the Minister, borrow for the purpose of the provision of shelter or house accommodation for persons removed under this section from their dwellings.

Disinfection of bedding, &c.

196.—(1) A sanitary authority may serve a notice on the owner of any bedding, clothing or other article which has been exposed to the infection of any dangerous

PART IX. —*cont.*

infectious disease, requiring the delivery of the article to an officer of the sanitary authority for removal for the purpose of destruction or disinfection; and if any person on whom a notice is served under this subsection fails to comply with the notice, he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

(2) All bedding, clothing and other articles disinfected by the sanitary authority under this section shall, after being so disinfected, be brought back and delivered to the owner free of charge, and if any such article suffers any unnecessary damage, the authority shall compensate the owner therefor, and the authority shall also compensate the owner for any article destroyed.

The amount of any compensation payable under this subsection shall be recoverable in a summary manner.

Disinfection of rubbish thrown into ash-pits, &c.

197.—(1) If any person knowingly throws, or causes or permits to be thrown, into an ash-pit any rubbish infected by a dangerous infectious disease without previous disinfection, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day during which the rubbish remains in the ash-pit after a notice relating thereto has been duly served under the following subsection.

(2) The sanitary authority shall serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease, and, on the request of the master, shall provide for the removal and disinfection or destruction of the rubbish in question.

Letting of house in which infected persons have been lodging.

198.—(1) Any person who knowingly lets for hire a house, or part of a house, in which any person has been suffering from a dangerous infectious disease, without having that house or part, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, or (as regards the articles) destroyed, shall be liable to a fine not exceeding twenty pounds.

(2) Where, for the purposes of this section, it is material to determine whether a part of a house being

PART IX. —*cont.*

an inn has been let for hire, that part shall be deemed to be so let to any person admitted as a guest thereto.

False statements as to infectious disease.

199. Any person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, who, on being questioned by any person negotiating for the hire, as to the fact of there being, or having within six weeks previously been, therein any person suffering from a dangerous infectious disease, knowingly makes a false answer to such question, shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month.

Disinfection of houses, &c.

200.—(1) A person who, on ceasing to occupy a house or part of a house in which any person has, within six weeks previously, been suffering from a dangerous infectious disease, either—

(*a*) fails to have that house or part, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, or the articles destroyed, or

(*b*) fails to give to the owner or master of that house or part notice of the previous existence of the disease, or

(*c*) on being questioned by the owner or master of, or by any person negotiating for the hire of, that house or part, as to the fact of there having, within six weeks previously, been therein any person suffering from a dangerous infectious disease, knowingly makes a false answer to the question,

shall be liable to a fine not exceeding ten pounds.

(2) The sanitary authority shall serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease.

Removal to hospital of infected persons without proper lodging.

201.—(1) A person suffering from a dangerous infectious disease, who is without proper lodging or accommodation or is lodged in a tent or van or is on board a vessel, may, on a certificate signed by a legally

PART IX. —*cont.*

qualified medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed by order of a justice, at the expense of the sanitary authority for the district in which the said person is found, to any hospital in, or within a convenient distance of, the county.

(2) An order of a justice under the foregoing subsection may be addressed to such constable, or to such officer of the sanitary authority, as the justice thinks expedient; and if any person wilfully disobeys, or obstructs the execution of, the order, he shall be liable to a fine not exceeding ten pounds.

(3) A sanitary authority may make byelaws as to removing to any hospital to which the authority are entitled to remove patients, and for keeping in that hospital so long as may be necessary, any persons brought within their district by any vessel who are infected with a dangerous infectious disease.

Detention of infected person without proper lodging in hospital.

202.—(1) A justice, on being satisfied that a person suffering from a dangerous infectious disease is in a hospital, and would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by that person, may direct that he be detained in the hospital, at the expense of the county council, during the time limited by the justice.

Any justice may extend the time limited as aforesaid as often as appears to him necessary for preventing the spread of the disease.

(2) A direction under the foregoing subsection may be carried into execution by any officer of a sanitary authority or of the county council, by any inspector of police or by any officer of the hospital.

Exposure of infected persons and things.

203. If any person—

(1) while suffering from a dangerous infectious disease, wilfully exposes himself in any street, public place, shop or inn, without proper precautions against spreading the disease; or

(2) being in charge of any person so suffering, so exposes the sufferer; or

PART IX. —*cont.*

(3) gives, lends, sells, transmits, removes or exposes, without previous disinfection, any bedding, clothing or other article which has been exposed to infection from such a disease,

he shall be liable to a fine not exceeding five pounds:

Provided that proceedings shall not by virtue of this section lie against any person transmitting, with proper precautions, any bedding, clothing or other article for the purpose of having it disinfected.

Infected person carrying on business.

204. A person who knows himself to be suffering from a dangerous infectious disease shall not milk any animal or pick fruit, and shall not engage in any occupation connected with food, or carry on any trade or business, in such a manner as to be likely to spread the disease, and if he does so, he shall be liable to a fine not exceeding ten pounds.

Conveyance of infected person in public vehicles.

205.—(1) It shall not be lawful for the owner or driver of a public conveyance knowingly to convey, or for any other person knowingly to place, in a public conveyance a person suffering from a dangerous infectious disease, or for a person suffering from such a disease to enter a public conveyance, and every person who contravenes this subsection shall be liable to a fine not exceeding ten pounds.

(2) If any person suffering from a dangerous infectious disease is conveyed in a public conveyance, the owner or driver thereof, as soon as it comes to his knowledge, shall give notice to the sanitary authority and shall cause the conveyance to be disinfected, and every person who fails to comply with this subsection, shall be liable to a fine not exceeding five pounds.

The owner or driver of a public conveyance shall be entitled to recover in a summary manner from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance as required by this subsection.

(3) It shall be the duty of the sanitary authority, when requested by the owner or driver of a public conveyance so to do, to provide for the disinfection thereof, and they may do so free of charge.

PART IX. —*cont.* Inspection of dairies, and prohibition of infected milk supply.

206.—(1) If a district medical officer of health has evidence that any person in the district of the sanitary authority is suffering from a dangerous infectious disease attributable to milk supplied within the district from any dairy situate within or without the district, or that the consumption of milk from such a dairy is likely to cause such a disease to any person residing in the district, the medical officer of health, if authorised by an order of a justice having jurisdiction in the place where the dairy is situate, may inspect the dairy and, if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon, may inspect the animals therein.

(2) If, on such an inspection as aforesaid, the district medical officer of health is of opinion that a dangerous infectious disease is caused by consumption of the milk supplied from the dairy, he shall report thereon to the sanitary authority, and his report shall be accompanied by any report furnished to him by the veterinary inspector or veterinary surgeon, if any, present at the inspection, and the sanitary authority may thereupon serve on the dairyman notice to appear before them within such time, not being less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply milk therefrom within the district until the order has been withdrawn by the sanitary authority.

(3) The sanitary authority, if in their opinion the dairyman fails to show cause why the proposed order should not be made, may make the said order, and shall forthwith serve notice of the facts on the council of the county in which the dairy is situate, and on the Minister, and, if the dairy is situate within the district of another sanitary authority, on that authority.

(4) An order under this section shall be forthwith revoked by the sanitary authority, if the sanitary authority are, or the district medical officer of health, on their behalf, is, satisfied that the milk supply in question has been changed, or that the cause of the infection has been removed.

(5) If any person—

(*a*) refuses to permit a district medical officer of health, on the production of a justice's order under this section, to inspect any dairy, or to

PART IX. —*cont.*

inspect, while accompanied by a veterinary inspector or some other qualified veterinary surgeon, the animals kept in the dairy; or

(*b*) after any such order has been made, supplies milk within the district of the sanitary authority in contravention of the order or sells it for consumption therein,

he shall be guilty of an offence and shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day during which the offence continues.

(6) Proceedings in respect of an offence under this section shall be taken before a court having jurisdiction in the place where the dairy in question is situate.

(7) Where proceedings are taken by virtue of this section in respect of a dairy situate outside the county, notice of the facts shall be served on the council of the county borough or county district in which the dairy is situate, as if they were a sanitary authority.

(8) A dairyman shall not be liable to an action in respect of any breach of contract which is due to an order under this section.

Ascertainment of sources of supply of infected milk.

207.—(1) Where a district medical officer of health certifies to the sanitary authority that a person in their district is suffering from a notifiable infectious disease which the medical officer has reason to suspect is attributable to milk supplied within the district, the authority may request the dairyman supplying the milk to furnish to the district medical officer of health within such reasonable period as may be specified by the authority, a list of all the dairies from which the dairyman's supply of milk is derived or has been derived during the six weeks immediately preceding the date of the request, and if the supply or any part thereof is obtained through any other dairyman in their district, may make the like request to that dairyman.

(2) A sanitary authority shall pay to a dairyman the sum of sixpence in respect of each list furnished by him in accordance with a request made under this section by the authority, and, if the list contains twenty-five or more names, a further sum of sixpence in respect of every twenty-five names contained in the list.

PART IX. —*cont.*

(3) If any dairyman fails to comply with a request made to him under this section by a sanitary authority, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day during which the offence continues after conviction.

Contact with body of person dying of notifiable infectious disease.

208.—(1) Every person having the charge or control of premises in which is lying the body of a person who has died from a notifiable 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 comply with this subsection, he shall be liable to a fine not exceeding five pounds.

(2) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

Retention of dead body of infectious person.

209.—(1) A person shall not, without the written consent of a district medical officer of health or a legally qualified medical practitioner, retain unburied for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom, the body of a person who has died of a dangerous infectious disease.

(2) If a person contravenes this section, he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds.

Removal of dead body of infectious person.

210.—(1) If a person dies in a hospital from a dangerous infectious disease, and a district medical officer of health or legally qualified medical practitioner certifies that, in his opinion, it is desirable, in order to prevent the risk of communicating the disease, that the body should not be removed from the hospital except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of the hospital shall be forthwith taken direct to the place of burial, and there buried.

If any person wilfully contravenes this subsection, he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

PART IX. —*cont.*

(2) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and the mortuary shall, for the purposes of this section, be deemed part of the hospital.

Disinfection of public conveyances used for carrying corpses.

211. If—

(*a*) a person hires or uses a public conveyance, other than a hearse, for conveying the body of a person who has died from a dangerous infectious disease, without previously notifying the owner or driver of the conveyance that the dead person died from an infectious disease, or

(*b*) the owner or driver of a public conveyance does not, immediately after the conveyance has to his knowledge been used for conveying the body of a person who has so died as aforesaid, provide for the disinfection of the conveyance,

he shall be guilty of an offence and shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day during which the offence continues.

Medical inspection of inmates of common lodging-house.

212. A justice may, on complaint made on oath by a district medical officer of health, grant a warrant to him to enter any common lodging-house situate within the district of the sanitary authority in which he has reasonable cause to believe that there is a person who is suffering, or has recently suffered, from a notifiable 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 a disease.

Epidemic diseases.

Extension to London of certain provisions of Public Health Acts.

213.—(1) Sections one hundred and thirty, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty of the Public Health Act, 1875, (which empower the Minister to make regulations with respect to epidemic, endemic or infectious diseases) shall extend to the county, so however that in their application to the county the said sections shall have effect as if for references therein to a local authority there

were substituted references to a sanitary authority for the purposes of this Act. PART IX. —*cont.*

(2) Regulations made by virtue of this section under section one hundred and thirty-four of the Public Health Act, 1875, are in this Act referred to as "epidemic regulations."

Enforcement by county council of regulations under ss. 130 and 134 of 38 & 39 Vict. c. 55.

214.—(1) The Minister may declare that one of the authorities for the purpose of the enforcement within the county of regulations made under section one hundred and thirty of the Public Health Act, 1875, shall be the county council, and thereupon that section shall have effect as if the county council were an authority within the meaning of that section:

Provided that, except in a case of emergency, the Minister shall not require the county council to enforce any such regulations without the consent of the council.

(2) The expenses incurred by the county council in the enforcement of such regulations as aforesaid shall be defrayed as expenses for general county purposes or, if the Minister by order so directs, as expenses for special county purposes chargeable on such part of the county as may be specified in the order.

(3) The county council shall have, for the purposes of any epidemic regulations, such functions (if any) as may be assigned to them by the Minister.

Duty of sanitary authorities to enforce epidemic regulations.

215. Subject to the provisions of the last foregoing section, it shall be the duty of every sanitary authority within whose district any epidemic regulations are in force, to enforce the regulations, and the sanitary authority—

(*a*) shall do all such things as may be necessary for enforcing the regulations or mitigating any disease to which the regulations relate;

(*b*) may direct the taking of proceedings against any person who wilfully contravenes or fails to comply with the regulations; and

(*c*) may enter on any premises or vessel for the purpose of enforcing the regulations.

Poor law medical officers entitled to

216.—(1) Whenever, in compliance with epidemic regulations, a poor law medical officer performs any medical service on board a vessel, he shall be entitled

PART IX. —*cont.*

costs of attendance on board vessels.

to make an extra charge for that service, at the usual rate of his allowance for services as such officer; and that charge shall be paid by the master of the vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick on board the vessel.

(2) Where any such service is rendered by a medical practitioner who is not a poor law medical officer, he shall be entitled to make a charge for the service, with extra remuneration on account of distance, at the rate which he is in the habit of receiving from private patients of the class of those attended and treated on board the vessel, and that charge shall be paid as aforesaid.

(3) Any dispute in respect of a charge made under the last foregoing subsection may, where the charge does not exceed twenty pounds, be determined by a petty sessional court; and that court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge at the place where the dispute arose, for attendance on patients of the same class as those in respect of whom the charge is made.

Combination of sanitary authorities for enforcement of epidemic regulations.

217. The Minister may by order authorise or require any two or more sanitary authorities to act together for the purposes of any epidemic regulations, and prescribe the mode of such joint action and of defraying the cost thereof, and generally may make any regulations necessary or proper for carrying the order into effect.

Expenses and borrowing powers of sanitary authorities.

218.—(1) The amount expended in pursuance of any epidemic regulations by a sanitary authority in providing any building for the reception of patients or other persons shall, to such extent as may be determined by the Minister, together with two-thirds of the salaries or remuneration of any officers or servants employed in such a building under this Part of this Act, be repaid to the sanitary authority by the county council, after the production of such evidence in support of the expenditure as the Minister thinks satisfactory.

(2) A borough council may borrow for the purposes of any epidemic regulations.

Treatment of tuberculosis.

PART IX. —*cont.*

Arrangements for treatment.

219. The county council and any sanitary authority may make such arrangements for the treatment of tuberculosis as may be approved by the Minister.

Power of Minister as to arrangements for treatment.

220.—(1) If the county council fail to make adequate arrangements for the treatment of tuberculosis at or in dispensaries, sanatoria and other institutions approved by the Minister, the Minister may, after giving the council an opportunity of being heard, make such arrangements as he thinks necessary for the purpose of such treatment as aforesaid.

(2) Any expenses incurred by the Minister in the exercise of his powers under the foregoing subsection may be paid in the first instance by the Minister out of moneys provided by Parliament, and the amount of any expenses certified by the Minister to have been so incurred shall be paid to him by the county council on demand, and shall be recoverable as a debt due to the Crown.

(3) Any approval by the Minister of an institution for the treatment of tuberculosis may be given for such time, and subject to such conditions, as the Minister thinks fit, and the Minister may withdraw any such approval.

After-care of tubercular patients.

221. The county council may make such arrangements as they think desirable for the after-care of persons who have suffered from tuberculosis.

Agreements for reception of tubercular patients.

222. The county council may, with the approval of the Minister, enter into agreements with the council of any other county or of any county borough for the reception in hospitals or sanatoria belonging to the county council of persons suffering from tuberculosis.

Expenses of county council.

223. Any expenses incurred by the county council under the foregoing provisions of this Act relating to the treatment of tuberculosis shall be defrayed as expenses for general county purposes or, if the Minister by order so directs, as expenses for special county purposes chargeable on such part of the county as may be specified in the order.

PART IX. —*cont.*

Removal of diseased or infirm persons to hospitals or institutions.

Removal of diseased or infirm persons to hospitals or institutions.

224.—(1) If a district medical officer of health certifies in writing to the sanitary authority—

(*a*) that a person—

(i) is suffering from a grave chronic disease, or

(ii) is aged, infirm or physically incapacitated, and resides in premises in the district of the sanitary authority which are insanitary owing to neglect on the part of the occupier of the premises, or resides under insanitary conditions, and

(*b*) that the said person is unable to devote to himself, or to receive from persons with whom he resides, proper care and attention, and

(*c*) that thorough inquiry and consideration have shown it to be necessary, in the interest of the health of that person and for preventing injury to the health of, or serious nuisance to, other persons, that he should be removed from the premises in which he is residing,

the district medical officer of health may make an application to a petty sessional court, and the court, upon oral proof of the allegations in the certificate, and subject to the examination of the person in question by a legally qualified medical practitioner to be nominated by the court, may make an order for the removal of that person to a suitable hospital or other institution or other suitable place in, or within a convenient distance of, the district of the sanitary authority, and for his detention and maintenance therein for such period, not exceeding three months, as may be determined by the order, and for such further period or periods, not exceeding three months in the case of any one period, as may be determined by a further order made under and in accordance with this section:

Provided that an application under this subsection for the removal of any person shall not be entertained by the court unless, at least three clear days before the making of the application, the district medical officer of health has given to the county council notice in writing

of his intention to make the application, and has also given to the said person, or to some person in charge of him, notice of the intention to make the application and of the time and place at which it will be made.

(2) The expenses incurred in the removal of any person to a hospital, institution or place, and of his detention and maintenance therein, in pursuance of an order made under this section shall be borne by the sanitary authority on the application of whose district medical officer of health the order was made; and during any period for which a person is detained in pursuance of such an order, the sanitary authority may, and, if so required by the court, shall, make such contribution towards the maintenance of any dependants of that person as the sanitary authority think fit or as may be directed by the court, as the case may be.

(3) The county council shall be entitled to appear and be heard on any application for an order under this section, and in any proceedings relating thereto, and, notwithstanding anything in the last foregoing subsection, may, in the exercise of their powers under the Poor Law Act, 1930, assume such obligations with regard to the maintenance of the person and his dependants as may be agreed upon between the council and the sanitary authority. 20 & 21 Geo. 5. c. 17.

(4) An order under this section may be addressed to such officer of the sanitary authority, or to such constable, as the court making the order thinks expedient, and if any person wilfully disobeys, or obstructs the execution of, the order, he shall be liable to a fine not exceeding ten pounds.

Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this subsection shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

(5) The petty sessional court, on an application made at any time after the expiration of six clear weeks from the making of an order under subsection (1) of this section, by or on behalf of the person in respect of whom the order was made, may make an order revoking the first-mentioned order if, having regard to the circumstances of the case, the court is of opinion that it is proper that the revoking order should be made:

PART IX. —*cont.*

Provided that an application under this subsection shall not be entertained by the court unless, at least three clear days before the making of the application, the applicant has given to the district medical officer of health notice of his intention to make the application and of the time and place at which the application will be made.

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to, or the detention of any person in, any poor law institution, except with the written consent of the governing body of that institution, or shall affect the discharge by the county council of their functions as poor law authority.

(7) Notwithstanding anything in the foregoing provisions of this section, a district medical officer of health shall not exercise the powers conferred on him by this section unless he is generally or specially authorised so to do by a resolution of the sanitary authority.

Medical officers and health visitors.

Qualifications of medical officers and health visitors appointed for purposes of Part IX.

225. Without prejudice to the provisions of Part I of this Act, the Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by the county council or a sanitary authority for the purpose of any regulations made under section one hundred and thirty of the Public Health Act, 1875 (as applied to the county by this Part of this Act) which relate to the treatment of venereal disease, or for the purposes of the provisions of this Part of this Act which relate to the treatment of tuberculosis; and persons shall not be appointed as such medical officers or health visitors whose qualifications are not in accordance with the regulations made under this section.

PART X.

HOSPITALS, MEDICAL SERVICE, AMBULANCES AND MORTUARIES.

Provision of hospital accommodation and medical assistance by local authorities.

Provision of hospital accommodation.

226.—(1) The county council and any sanitary authority may provide hospital accommodation, temporary or permanent, for the use of the inhabitants of the

county or of the district of the authority, as the case may be, and for that purpose may—

(*a*) build hospitals; or

(*b*) contract for the use of a hospital or part of a hospital; or

(*c*) enter into an agreement with the person having the management of a hospital, for the reception therein of the sick inhabitants of the county or of the district, as the case may be, on payment of such annual or other sum as may be agreed on.

The powers of the county council under this subsection include a power to provide accommodation for the reception of pregnant women.

(2) Two or more sanitary authorities may combine in providing a common hospital under this section, and the county council may so combine with the council of any county outside London.

(3) The county council may make reasonable subscriptions or donations to a voluntary hospital or institution, if the council are satisfied that by so doing they will maintain or extend the efficiency of the hospital accommodation for the sick inhabitants of the county:

Provided that the expenses of the county council under this subsection shall not exceed in any one year an amount equal to that which would be produced by a rate of one-and-a-third pence in the pound calculated on the total values on which the rate for general county purposes is assessed.

(4) The Minister may by order direct that for the reference in the last foregoing subsection to one-and-a-third pence there shall be substituted a reference to such greater amount as may be specified in the order.

(5) Without prejudice to the power of the county council to borrow, a borough council may borrow for the purpose of the provision of hospitals under this section.

(6) An order of the Minister under this section shall be laid before Parliament as soon as may be after it is made, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat

PART X. —*cont.*

after such an order has been laid before it, presents an address to His Majesty praying that the order may be annulled, the order shall thenceforth be void, but without prejudice to the validity of anything done thereunder or to the making of a new order.

(7) Any such order as aforesaid may be varied or revoked by a subsequent order made by the Minister.

Temporary supply of medicine.

227. A sanitary authority may, with the consent of the Minister, provide, or contract with any person to provide, a temporary supply of medicine and medical assistance for the poorer inhabitants of the district of the sanitary authority.

Use of premises by county council as cholera hospitals.

228. Any authority or person having the management and control of any hospital or workhouse may let it or any part thereof to the county council, and enter into, and carry into effect, contracts with the council for the reception, treatment and maintenance therein of persons suffering from cholera or choleraic diarrhœa within the county:

Provided that the power conferred by this section shall not be exercised with respect to any workhouse without the consent of the Minister.

Recovery of Hospital Expenses.

Duty of local authorities to recover hospital expenses.

229.—(1) It shall be the duty of the county council and of every sanitary authority to recover from any person who has been maintained by them in any institution, other than a person who has become an inmate of the institution for the purpose of receiving treatment for infectious disease, or from any person legally liable to maintain that person, the whole of the expenses incurred by the council or authority in the maintenance of that person or, if the council or authority are satisfied that the persons from whom the expenses are recoverable cannot reasonably, having regard to their financial circumstances, be required to pay the whole of those expenses, such part, if any, of the expenses as they are, in the opinion of the council or authority, able to pay:

Provided that the county council or sanitary authority may, by agreement with the governing body of any association or fund established for the purpose

of providing benefits to members or other beneficiaries thereof, accept from the association or fund, in respect of the expenses incurred by the council or authority in the maintenance of any member or beneficiary of the association or fund, payment of such sums as may be provided by the agreement, in lieu of recovering the whole or any part of the said expenses from the member or beneficiary, or from any person legally liable to maintain him. PART X. —*cont.*

(2) Any expenses recoverable under this section shall, without prejudice to any other remedy, be recoverable summarily as a civil debt.

(3) For the purposes of this section—

(*a*) the expression "institution" means any hospital, maternity home or other residential institution accommodation wherein is provided by the county council or a sanitary authority under the powers conferred by this Act, or any enactment repealed by this Act;

(*b*) the expenses incurred by the county council or a sanitary authority in providing for the maintenance of a person in an institution shall, in respect of each day of maintenance in the institution, be deemed to be a sum representing the average daily cost per patient of the maintenance of the institution and the staff thereof and the maintenance and treatment of the patients therein.

(4) This section shall have effect subject to the provisions of section fifty-eight of the London County Council (General Powers) Act, 1934.

Ambulance services.

230.—(1) The county council may establish and maintain, or contribute towards the cost of, or otherwise aid in, establishing or maintaining an ambulance service for dealing with cases of accidents or illness (other than infectious diseases) within the county, exclusive of the city, and for those purposes may— County council's ambulance service.

(*a*) appropriate any premises for the time being vested in them;

PART X. —*cont.*

(*b*) erect, maintain and manage buildings on any land appropriated or acquired by the council for those purposes;

(*c*) adapt, furnish and equip any buildings appropriated, acquired or erected by the council for those purposes;

(*d*) contract with the Postmaster-General for the establishment and maintenance of telegraphic, telephonic and other suitable means of communication;

(*e*) provide and maintain ambulances and other vehicles and means of conveyance, to be drawn by electrical or other mechanical power, by horse or by hand:

Provided that any electrical power used for moving any such vehicle shall be entirely contained in, and carried along with, the vehicle.

(2) Expenses incurred under this section by the county council shall be defrayed as expenses for special county purposes.

Arrangements between county council and other authorities. 7 Edw. 7. c. 53.

231.—(1) The county council may allow the ambulance service established under the last foregoing section, or under the corresponding provision of any enactment repealed by this Act, to be used, on such terms and conditions as may be agreed, by any local authority having powers under section fifty of the Public Health Acts Amendment Act, 1907.

(2) The county council, on the one hand, and the Port of London Authority or the council of a metropolitan borough or of a county or county borough adjoining the county of London, on the other hand, may enter into, and carry into effect, an agreement—

(*a*) for the working and use by any party to the agreement, for the purposes of the ambulance service authorised by the last foregoing section, of ambulances, premises and appliances provided by any such party for purposes other than those of the last foregoing section;

(*b*) for utilising, for the purpose of the ambulance service so authorised as aforesaid, the services of any person employed by any party to the agreement.

PART X. —*cont.*

Conveyance of infected persons.

232. A sanitary authority may provide and maintain ambulances suitable for the conveyance of persons suffering from an infectious disease, and pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Provision of landing-places, vessels, ambulances, &c.

233.—(1) The county council may, if they think fit, maintain all or any of the wharves, landing-places and approaches thereto provided by the Managers of the Metropolitan Asylum District before the year eighteen hundred and ninety-two, whether in or outside the county, and may use any such wharves, landing-places and approaches for the embarkation and landing of persons removed to or from any hospital which belongs to the council, and for any other purpose in relation thereto.

Nothing in this subsection shall be taken to affect the operation of section two hundred and twelve of the Port of London (Consolidation) Act, 1920.

10 & 11 Geo. 5. c. clxxiii.

(2) The county council may provide and maintain vessels for use in connection with any such wharves or landing-places as aforesaid and with the hospitals belonging to the council, and also ambulances suitable for the conveyance of persons suffering from any dangerous infectious disease, and shall cause the vessels and ambulances to be properly cleansed and disinfected, and may provide and maintain such buildings and horses, and employ such persons, and do such other things, as are necessary or proper for the purposes of such conveyance.

(3) The county council may allow any of the said ambulances, with the necessary attendants, to be used for the conveyance of persons suffering from a dangerous infectious disease to and from hospitals and places other than hospitals belonging to the council, and may make a reasonable charge for that use.

Mortuaries, &c.

Provision of mortuaries by sanitary authorities.

234.—(1) Every sanitary authority shall provide and fit up a proper place for the reception of dead bodies before interment (in this Act referred to as "a mortuary"), and may make byelaws with respect to the management and charges for the use of the same; and may also provide for the decent and economical interment,

PART X. —*cont.*

at charges to be fixed by the byelaws, of any dead body received into a mortuary.

(2) A borough council may borrow for the purpose of the provision of a mortuary under this Part of this Act.

Justice's order for removal of dead body to mortuary.

235.—(1) Where—

(*a*) the body of a person who has died of an infectious disease is retained in a room in which persons live or sleep; or

(*b*) the body of a person who has died of a dangerous infectious disease is retained, without the consent of a district medical officer of health or legally qualified medical practitioner, for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place or workroom; or

(*c*) any dead body is retained in a house or room so as to endanger the health of the inmates thereof or of any adjoining or neighbouring building,

a justice may, on a certificate signed by a district medical officer of health or legally qualified medical practitioner, direct that the body be removed, at the cost of the sanitary authority, to any available mortuary, and be buried within the time limited by the justice; and the justice may, if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

(2) Unless the friends or relatives of the deceased bury the body within the time so limited, it shall be the duty of the relieving officer for the district in which the body lies to bury the body, and any expense incurred by him in so doing shall be paid (in the first instance) by the county council, but may be recovered by them from any person legally liable to pay the expense of the burial.

Places for post-mortem examinations.

236.—(1) A sanitary authority may, and if required by the county council shall, provide and maintain a proper building (otherwise than at a workhouse) for the reception of dead bodies during the time required

PART X. —*cont.*

to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of any building provided by them under this section or under any enactment repealed by this Act.

(2) Any such building may be provided in connection with a mortuary, but this subsection shall not authorise the conducting of a post-mortem examination in a mortuary.

(3) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision under this section of such a building as aforesaid.

(4) Nothing in this section shall empower the county council to require the common council to provide or maintain any such building as aforesaid.

Combination of sanitary authorities for providing mortuary.

237. Any sanitary authorities may, with the approval of the county council, discharge their functions under this Part of this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of the contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Provision of accommodation for holding inquests.

238.—(1) The county council shall provide and maintain proper accommodation for the holding of inquests.

(2) Such accommodation as aforesaid may, by agreement between the county council and a sanitary authority, be provided and maintained—

(*a*) by the county council in connection with a mortuary, or a building for post-mortem examinations, provided by the sanitary authority, or in connection with any building belonging to that authority; or

(*b*) by the sanitary authority in connection with a mortuary or other building belonging to them.

(3) Without prejudice to any power of the county council to borrow, a sanitary authority may, with the

PART X. —*cont.*

consent of the Minister, borrow for the purpose of the provision under this section of such accommodation as aforesaid.

County council's mortuaries for unidentified dead bodies.

239.—(1) The county council may provide and fit up in the county one or two suitable buildings for the reception of dead bodies found in the county and not identified.

(2) Subject to any regulations made by a Secretary of State under this section, any dead body found in the county and not identified (together with anything found on or with the body) may, on the written order of the coroner having jurisdiction to hold the inquest on the body, be removed to a building provided under this section or under any enactment repealed by this Act, and may be retained and preserved therein with a view to the identification of the body, and, subject as aforesaid, the inquest on the body shall be held as if the building were situate within the district of the said coroner.

(3) A Secretary of State may make regulations as to—

(*a*) the manner in which, and the conditions subject to which, unidentified dead bodies are to be removed to any building provided as aforesaid, and the payments to be made at any such building to persons bringing any unidentified dead body for reception therein; and

(*b*) the fees and charges to be paid upon the removal or interment of any dead body which has been identified after its reception in such a building as aforesaid, and the persons by whom the fees and charges are to be paid, and the mode of recovering them; and

(*c*) the disposal and interment of any dead bodies found in the county and not identified.

(4) The county council may provide at any such building as aforesaid all such appliances as they think expedient for the reception and preservation of dead bodies, and may, subject to the foregoing provisions of this section, make regulations as to the management of

the said buildings and bodies therein, and as to the conduct of persons employed therein or resorting thereto for the purpose of identifying any body. PART X. —*cont.*

PART XI.

REGISTRATION OF NURSING HOMES.

Local supervising authorities.

240. Subject to the provisions of this Part of this Act which relate to the delegation of the powers of the county council to borough councils, the local supervising authorities for the purposes of this Part of this Act shall be—

(1) as respects the city, the common council, and

(2) as respects any other part of the county, the county council.

Registration.

241.—(1) If any person carries on a nursing home without being registered in respect thereof under this Part of this Act, he shall be guilty of an offence.

(2) Every application for registration under this Part of this Act shall be made to the local supervising authority in writing in the form prescribed by the Minister, shall specify the nursing home in respect of which the application is made, and shall be accompanied by a fee of five shillings.

(3) Subject as hereinafter provided, the local supervising authority shall, on the receipt of an application for registration in respect of a nursing home, register the applicant in respect of that nursing home and issue to him a certificate of registration in respect thereof:

Provided that the local supervising authority may refuse to register the applicant if they are satisfied—

(*a*) that he or any person employed or proposed to be employed by him at the home is not a fit person, whether by reason of age or otherwise, to carry on, or to be employed at, a nursing home of such a description as the nursing home named in the application; or

(*b*) that for reasons connected with situation, construction, accommodation, staffing or equipment, the home or any premises used or proposed

PART XI. —*cont.*

to be used in connection therewith are not fit to be used for a nursing home of such a description as the nursing home named in the application, or that the home or premises are used or to be used for purposes which are in any way improper or undesirable in the case of such a nursing home; or

(*c*) in the case of a nursing home other than a maternity home, that the home is not, or will not be, under the charge of a person who is either a legally qualified medical practitioner or a qualified nurse and who is or will be resident in the home, or that there is not a proper proportion of qualified nurses among the persons who have or will have the superintendence of, or who are or will be employed in, the nursing of the patients in the home; or

(*d*) in the case of a maternity home, that the person who has or will have the superintendence of the nursing of the patients in the home is not either a qualified nurse or a certified midwife, or that any person employed or proposed to be employed in attending any woman in the home in childbirth or in nursing any patient in the home is not either a legally qualified medical practitioner, a certified midwife, a pupil midwife or a qualified nurse.

(4) The certificate of registration issued in respect of a nursing home shall be kept affixed in a conspicuous place in the home, and, if default is made in complying with the foregoing requirement, the person carrying on the home shall be guilty of an offence.

(5) In this section the expression "pupil midwife" means a person who is undergoing training for the purpose of becoming a certified midwife, and for that purpose is attending women in childbirth as a part of a course of practical instruction in midwifery recognised by the Central Midwives Board.

Cancellation of registration.

242. Subject to the provisions of this Part of this Act, the local supervising authority may at any time cancel the registration of a person in respect of a nursing home on any ground which would entitle the authority to refuse an application for the registration of

that person in respect of that home, or on the ground that that person has been convicted of an offence under this Part of this Act or under the Nursing Homes Registration Act, 1927, or that any other person has been convicted of such an offence in respect of that home :

17 & 18 Geo. 5. c. 38.

Provided that the registration of a person who, before the commencement of this Act, has been registered under the Nursing Homes Registration Act, 1927, shall not be cancelled except upon a ground on which it might have been cancelled under that Act if this Act had not been passed.

Procedure in connection with refusal or cancellation of registration.

243.—(1) If the local supervising authority decide to refuse an application for registration of a person in respect of a nursing home or to cancel any such registration, the authority shall, subject to the provisions of the next following subsection, make an order to that effect and shall send a copy of the order by registered post to the applicant or to the person registered, as the case may be.

(2) Before making an order under this section, the local supervising authority shall give to the applicant or to the person registered, as the case may be, not less than fourteen days' notice of their intention to make the order, and the notice shall state the grounds on which the authority intend to make the order and shall contain an intimation that if, within fourteen days after receiving the notice, the applicant or the person registered, as the case may be, informs the authority in writing that he desires to show cause why the order should not be made, the authority will, before making the order, give him an opportunity of showing cause as aforesaid, either in person or by a representative.

(3) Any person aggrieved by an order of the local supervising authority under this section may, within fourteen days after the date on which the copy of the order was sent to him, appeal against it to a court of summary jurisdiction, and the appellant or the authority, if aggrieved by the order made by a court of summary jurisdiction on any such appeal, may appeal against that order to a court of quarter sessions in the manner prescribed by the Summary Jurisdiction Acts.

PART XI. —*cont.*

(4) An order made under this section shall not come into force until the expiration of fourteen days from the date on which it was made, or, where notice of appeal against the order is duly given, until the appeal has been determined or withdrawn.

Byelaws.

244.—(1) The local supervising authority may make byelaws—

(*a*) prescribing the records to be kept of the patients received into a nursing home, and, in the case of a maternity home, of any miscarriages occurring in the home, of the children born therein and of the children so born who are removed from the home otherwise than to the custody or care of any parent, guardian or relative;

(*b*) requiring notification to be given of any death occurring in a nursing home.

(2) If any person contravenes or fails to comply with any byelaw made under this section, he shall be guilty of an offence.

Inspection of nursing homes.

245.—(1) Subject to such regulations as may be made by the local supervising authority, a medical officer of health or a qualified nurse or other officer duly authorised by the authority may at all reasonable times enter and inspect any premises which are used, or which that officer has reasonable cause to believe to be used, for the purposes of a nursing home, and inspect any records required to be kept under this Part of this Act:

Provided that nothing in this subsection shall be deemed to authorise any such officer to inspect any medical record relating to a patient in a nursing home.

(2) Every person who refuses to allow such an officer to enter or inspect any such premises as aforesaid or to inspect any such records as aforesaid, or obstructs such an officer in the exercise of his powers under this section, shall be guilty of an offence.

Exemption of certain institutions.

246.—(1) The local supervising authority may grant exemption from the operation of this Part of this Act in respect of any hospital or institution not carried on for profit.

PART XI. —*cont.*

(2) Any exemption granted under this section in respect of a hospital or institution shall continue in force for one year only from the date on which it is granted, but without prejudice to the power of the local supervising authority to grant any further exemption in respect of that hospital or institution.

(3) Any person aggrieved by a refusal of the local supervising authority to grant exemption under this section in respect of a hospital or institution, or by the withdrawal by such an authority of any such exemption, may appeal against the refusal or withdrawal to the Minister, and the Minister, after considering the matter, shall give such directions therein as he thinks proper, and the authority shall comply with any directions so given.

Exemption of Christian Science nursing homes by Minister.

247.—(1) The Minister may grant exemption from the operation of this Part of this Act in respect of any nursing home as respects which he is satisfied that it is being, or will be, carried on in accordance with the practice and principles of the body known as the Church of Christ Scientist.

(2) It shall be a condition of any exemption granted under this section that the nursing home in respect of which the exemption is granted shall adopt and use the name of Christian Science house.

(3) An exemption granted under this section may at any time be withdrawn by the Minister if it appears to him that the nursing home in respect of which the exemption was granted is no longer being carried on in accordance with the said practice and principles.

Penalties and offences by companies.

248.—(1) Every person who carries on a nursing home without being registered in respect thereof under this Part of this Act, shall be liable to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine; and every person guilty of any other offence under this Part of this Act shall be liable to a fine not exceeding five pounds and, in the case of a continuing offence, to a further fine not exceeding two pounds in respect of each day during which the offence continues after conviction.

PART XI. —*cont.*

(2) Where a person convicted of an offence under this Part of this Act is a company, the chairman and every director of the company and every officer of the company concerned in the management thereof shall be guilty of the like offence, unless he proves that the offence occurred without his knowledge or consent.

Delegation of powers of county council to borough councils.

249.—(1) The county council may delegate to the council of a borough all or any of the powers exercisable by the county council under this Part of this Act with respect to nursing homes in that borough, except the power to make byelaws.

(2) Any delegation under this section may be either absolute or subject to such terms and conditions as the county council think fit, including a term requiring the county council to repay to the borough council to whom the delegation is made the whole or part of the expenses incurred by that council in the exercise of the powers delegated to them.

PART XII.

MATERNITY AND CHILD WELFARE.

Welfare authorities.

250. The welfare authorities for the purposes of this Part of this Act shall be—

(1) as respects the city, the common council, and

(2) as respects a borough, the council of the borough.

Arrangements for maternity and child welfare.

251.—(1) A welfare authority may make such arrangements as may be approved by the Minister for attending to the health of expectant or nursing mothers, and of children who have not attained the age of five years and are not being educated in schools recognised by the Board of Education:

Provided that nothing in this subsection shall authorise the establishment of a general domiciliary service by medical practitioners.

(2) A welfare authority may, with the consent of the Minister, borrow for the purposes of this section.

Maternity and child welfare committees.

252.—(1) Every welfare authority shall appoint a maternity and child welfare committee, which may be a committee of the authority appointed for other

PART XII. —*cont.*

purposes, or a sub-committee of such a committee; and all matters relating to the exercise of the powers of the authority under this Part of this Act (except the power of raising a rate or of borrowing money) shall stand referred to the maternity and child welfare committee, and the authority, before exercising any such powers, shall, unless in their opinion the matter in question is urgent, receive and consider the report of the maternity and child welfare committee with respect to that matter.

(2) A welfare authority may also delegate to the maternity and child welfare committee, with or without restrictions or conditions as they think fit, any of their powers under this Part of this Act except the power of raising a rate or of borrowing money.

(3) A welfare authority may appoint as members of their maternity and child welfare committee persons who are not members of the authority, but who are specially qualified by training or experience in subjects relating to health and maternity, so however that not less than two-thirds of the members of the committee shall be members of the authority, and at least two members of the committee shall be women:

Provided that, where the duties of the maternity and child welfare committee are discharged by a committee appointed for other purposes or by a sub-committee of such a committee, any members appointed under this subsection who are not members of the authority shall act only in connection with matters relating to maternity and child welfare.

(4) A maternity and child welfare committee may, subject to any directions of the welfare authority by whom they were appointed, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee think fit.

Power of county council as to maternity and child welfare.

253. The county council may make arrangements with a welfare authority for the provision by that authority under the last but one foregoing section of any assistance which could be provided either by way of poor relief or by virtue of that section, upon such terms and conditions (including the use by the welfare authority of any premises or equipment belonging to the county council) as may be agreed; and any such arrangements may require the welfare authority to furnish the county

PART XII. —*cont.*

council with particulars of any assistance given by the welfare authority under the last but one foregoing section, whether in pursuance of the arrangements or otherwise.

Qualifications of medical officers and health visitors appointed for purposes of Part XII.

254. Without prejudice to the provisions of Part I of this Act, the Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by a welfare authority for the purposes of this Part of this Act; and persons shall not be appointed as such medical officers or health visitors whose qualifications are not in accordance with the regulations made under this section.

Notification of births.

255.—(1) Whenever a child is born in the district of a welfare authority, it shall be the duty of the father of the child (if, at the time when the birth occurs, he is actually residing in the house where it takes place) and of any person who, at the time of, or within six hours after, the birth, is in attendance upon the mother, to give notice of the birth, in accordance with this section, to a district medical officer of health for that district.

(2) Every notice of a birth required to be given under this section shall be in writing and shall contain the necessary information of the birth, and shall, within thirty-six hours after the occurrence of the birth, either be sent by post, in the form of a prepaid letter or postcard, addressed to the district medical officer of health at his office or residence, or be delivered thereat.

(3) Every welfare authority shall supply, free of charge, to a medical practitioner or midwife residing or practising in their district who applies therefor, addressed and stamped postcards containing a form of notice for the purposes of this section, and any notice duly given in such a form shall be deemed to comply with the requirements of this section.

(4) If any person fails to give notice of a birth in accordance with the requirements of this section, he shall be liable to a fine not exceeding twenty shillings:

Provided that it shall be a good defence, in any proceedings for a fine under this section, for the defendant to prove that he had reasonable grounds for believing that the notice in question had been duly given by some other person.

PART XII. —*cont.*

(5) Every district medical officer of health shall send in each week to the county council, in such form as may be prescribed by the Minister, a list of all notices of births received by that officer under this section during the last preceding week.

(6) The provisions of this section shall be in addition to, and not in derogation of, the requirements of any Act relating to the registration of births; and every registrar of births and deaths shall, at all reasonable times, have access to the notices of births received under this section by a district medical officer of health, or to any book in which those notices are recorded, for the purpose of obtaining information concerning births which may have occurred in the registrar's sub-district.

(7) In this section the expression "child" means a child which has issued forth from its mother after the end of the twenty-eighth week of pregnancy, whether alive or dead.

PART XIII.

CHILD LIFE PROTECTION.

Local authorities for purposes of Part XIII.

256. The local authorities for the purposes of this Part of this Act shall be—

(*a*) as respects the city, the common council,

(*b*) as respects a borough, the council of the borough, and

(*c*) as respects any other part of the county, the county council;

and the area as respects which any council are by this section constituted the local authority is in this Part of this Act referred to as "the district" of that authority.

Notice of reception of children for reward.

257.—(1) A person who undertakes for reward the nursing and maintenance of a child under the age of nine years apart from his parents, or having no parents, shall give a written notice of the fact (in this Part of this

PART XIII. —*cont.*

Act referred to as a "reception notice") to the local authority—

(*a*) in the case of a child not already in his care, being the first child under the age of nine years proposed to be received by him for reward in the premises occupied or proposed to be occupied for the purpose, not less than seven days before he receives the child;

(*b*) in the case of any other child not already in his care, not less than forty-eight hours before he receives the child;

(*c*) in the case of a child already in his care without reward, within forty-eight hours after entering into the undertaking.

For the purposes of this subsection, an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

(2) Every reception notice shall state the name and sex of the child to whom the notice relates, the date and place of his birth, the name of the person undertaking his nursing and maintenance, the premises within which he is to be, or is being, kept, and the name of the person from whom he is to be, or was, received.

(3) If a person who is maintaining a foster child changes his residence, he shall, at least seven days before so doing, give to the local authority written notice of the proposed change, and where—

(*a*) being resident in the county, he proposes to change his residence so as to reside in the district of another local authority for the purposes of this Part of this Act, or

(*b*) being resident outside the county, he proposes to change his residence so as to reside within the county,

he shall, at least seven days before so changing his residence, give to the local authority for the district in which he proposes to reside the like notice, in respect of each foster child in his care, as he is by this section required to give on the first reception of a foster child:

PART XIII. —*cont.*

Provided that, where an immediate change of residence is necessitated by any emergency, a notice under this subsection may be given at any time within forty-eight hours after the change of residence.

(4) If a foster child dies while in the care of the person who has undertaken his nursing and maintenance, or is removed from the care of the said person, that person shall, within twenty-four hours after the death or removal, as the case may be, give to the local authority and to the person from whom the child was received, written notice of the death or removal, and in a case of removal, the notice shall also state the name and address of the person into whose care the child has been transferred.

(5) If any person required by this Part of this Act to give any notice fails to give the notice before the latest time specified for giving it, he shall be guilty of an offence, and if the consideration for which the said person undertook the nursing and maintenance of the child in respect of whom the notice ought to have been given consisted, in whole or in part, of a lump sum, the person in default shall, in addition to any other penalty to which he is liable under this Part of this Act, be liable to forfeit that sum or such part thereof as the court having cognisance of the case thinks just:

Provided that, upon a charge in respect of a failure to give a reception notice, it shall be a good defence for the defendant to prove that the child in question was received by him upon an emergency, and that a notice containing the particulars required by subsection (2) of this section was given by him to the local authority within twelve hours after the reception of the child.

(6) For the purpose of any enactment by which the time for taking proceedings is limited, an offence under this section shall be deemed to continue so long as the child in respect of whom the requisite reception notice ought to have been given remains in the care of the offender without such a notice having been given.

(7) Any sum forfeited under this section in respect of a child shall be applied for the benefit of the child in such manner as the court may direct, and the order of the court directing the forfeiture may be enforced as if it were an order made on complaint.

PART XIII. —*cont.* Inspectors and visitors.

258.—(1) Every local authority shall from time to time make inquiries for the purpose of ascertaining whether there is residing within the district of the authority any person who undertakes the nursing and maintenance of foster children.

(2) If any person who undertakes the nursing and maintenance of foster children is found in the district of the local authority, the authority shall, subject to the provisions of the next following subsection, appoint one or more persons to be child protection visitors, whose duty it shall be from time to time to visit any foster children and the premises in which they are kept, in order to satisfy themselves as to the health and well-being of the children and to give any necessary advice or directions as to the care of their health or as to their maintenance.

(3) A local authority may, in addition to, or in lieu of, appointing child protection visitors, authorise in writing one or more suitable persons to exercise the powers of such visitors under this Part of this Act, and where any children have, by the direction of any philanthropic society, been placed out to nurse in the district of the local authority, the authority, if satisfied that the interests of the children are properly safeguarded, may so authorise the society to exercise the powers aforesaid as respects those children.

Any authority given under this subsection shall be subject to such conditions (if any) as may be stated therein, so, however, that any authority so given to a philanthropic society shall be subject to a condition requiring the society to furnish periodical reports to the local authority.

(4) Where a local authority, in the exercise of their powers under the last two foregoing subsections, appoint or authorise one person only, that person shall be a woman, and where the authority so appoint or authorise two or more persons, one at least of those persons shall be a woman.

(5) A local authority may exempt from visitation under this section any premises within their district which appear to them to be so conducted that it is

unnecessary that they should be visited, and any such exemption may be granted either absolutely or subject to such conditions as the local authority think fit. PART XIII. —*cont.*

(6) If any person who undertakes the nursing and maintenance of a foster child refuses to allow a child protection visitor, or a person having the powers of such a visitor, to visit or examine the child or the premises in which the child is kept, he shall be guilty of an offence.

(7) If a child protection visitor or a person having the powers of such a visitor is refused admittance to any premises which he is entitled under this section to visit, or has reason to believe that a child under the age of nine years is being kept in any premises in contravention of this Part of this Act, he may apply to a justice, and if the justice is satisfied, upon written information given on oath, that there is reasonable ground for believing that an offence under this Part of this Act has been committed, he may grant a warrant authorising the applicant to enter the premises for the purpose of ascertaining whether any such offence has been committed; and if any person obstructs any person acting in pursuance of a warrant granted under this subsection, he shall be guilty of an offence.

Restrictions on receiving children for reward.

259. A foster child shall not, without the written consent of the local authority, be kept—

(*a*) by any person from whose care any child has been removed under this Part of this Act or under Part I of the Children Act, 1908, or under the Infant Life Protection Act, 1897, or 8 Edw. 7. c. 67. 60 & 61 Vict. c. 57.

(*b*) in any premises from which any child or infant has been removed under this Part of this Act or under Part I of the Children Act, 1908, by reason of the premises being dangerous or insanitary, or has been removed under the Infant Life Protection Act, 1897, by reason of the premises being so unfit as to endanger the health of the child or infant, or

(*c*) by any person who has been convicted of any offence under Part I of the Children and 23 & 24 Geo. 5. c. 12.

PART XIII. —*cont.*

4 Edw. 7. c. 15.

Young Persons Act, 1933, or Part II of the Children Act, 1908, or of any offence of cruelty under the Prevention of Cruelty to Children Act, 1904;

and every person who keeps a foster child in contravention of this section, or causes a foster child to be kept in contravention of this section, shall be guilty of an offence.

Prevention of overcrowding.

260. A local authority may fix the maximum number of children under the age of nine years who may be kept in any premises in the district of the authority in which a foster child is kept, and may also impose conditions to be complied with so long as the number of children kept in those premises exceeds a specified number; and if at any time the maximum number so fixed is exceeded, or any condition so imposed is not complied with, a person who keeps a foster child in those premises shall be guilty of an offence.

Removal of children kept in unsuitable premises, or by unsuitable persons.

261.—(1) If a foster child is about to be received, or is being kept,—

(*a*) in any premises which are overcrowded, insanitary or dangerous, or

(*b*) by any person who, by reason of old age, infirmity, ill-health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of the child, or

(*c*) in any premises or by any person in contravention of this Part of this Act, or

(*d*) in an environment which is detrimental to the child,

a court of summary jurisdiction may, on the complaint of the local authority, make an order directing the removal of the child to a place of safety until he can be restored to his relatives or until other arrangements can be made with respect to him; and, upon proof that there is imminent danger to the health or well-being of the child concerned, a single justice may exercise the like

power on the application of a child protection visitor or a person having the powers of such a visitor, and, if need be, may exercise that power ex parte. PART XIII —*cont.*

(2) An order made under the foregoing subsection may be enforced by a constable, or by a child protection visitor or a person having the powers of such a visitor; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such constable, visitor or person as aforesaid in the enforcement of the order, shall be guilty of an offence.

Anonymous advertisements offering to undertake care of children.

262.—(1) No advertisement indicating that a person or society will undertake, or will arrange for, the nursing and maintenance of a child under the age of nine years shall be published unless the name and residence of the person or the name and office of the society, as the case may be, are stated in the advertisement.

(2) Every person who knowingly publishes any advertisement in contravention of this section shall be guilty of an offence.

Avoidance of insurances of lives of children kept for reward. 14 Geo. 3. c. 48.

263. A person who keeps a foster child shall be deemed, for the purposes of the Life Assurance Act, 1774, to have no interest in the life of the child, and if any such person directly or indirectly insures or attempts to insure the life of a foster child, he shall be guilty of an offence; and if any company, society or person knowingly issues, or procures or attempts to procure to be issued, to, or for the benefit of, such a person as aforesaid or to any person on his behalf a policy insuring the life of a foster child, the company, society or person shall be guilty of an offence.

Notice of death of foster child.

264.—(1) In the event of the death of a foster child, the person who had the care of the child shall, within twenty-four hours after the death, give written notice thereof to the coroner of the district within which the body of the child lies, and the coroner shall hold an inquest on the body unless—

(*a*) there is produced to him a certificate under the hand of a legally qualified medical practitioner, certifying that he has personally attended the

PART XIII. —*cont.*

child during his last illness and specifying the cause of the death; and

(*b*) the coroner is satisfied that there is no ground for holding an inquest.

(2) If any person required to give a notice under this section fails to give the notice within the time specified for giving it, he shall be guilty of an offence.

Prosecution of offences and application of fines.

265.—(1) Every person guilty of an offence under this Part of this Act shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds, and the court by which he is convicted may order any child in respect of whom the offence was committed to be removed to a place of safety.

(2) All fines recovered by virtue of this Part of this Act shall, subject to the provisions of section five of the Criminal Justice Administration Act, 1914, be paid to the local authority.

Evidence of age.

266. Where, in proceedings for an offence under this Part of this Act, it is alleged that the person in respect of whom the alleged offence was committed was under, or had attained, any specified age, and it appears to the court that, at the date of the commission of the alleged offence, the said person was under, or had attained, the specified age, as the case may be, he shall, for the purposes of this Part of this Act, be deemed at that date to have been under, or to have attained, that age, as the case may be, unless the contrary is proved.

Provisions as to notices.

267.—(1) If any person required to give a notice under this Part of this Act knowingly makes, or causes or procures any other person to make, any false or misleading statement in the notice, he shall be guilty of an offence.

(2) Any notice to be given under this Part of this Act may be sent by post in a registered letter addressed—

(*a*) where the person to be notified is a local authority, to the authority or their clerk at their offices or to some other officer of the authority duly authorised in that behalf, or

(*b*) where the person to be notified is a coroner, to the coroner at his office or at his residence, or

(c) in any other case, to the person to be notified, at his last known place of abode or permanent residence. PART XIII. —*cont.*

Enforcement of Part XIII.

268.—(1) It shall be the duty of every local authority to provide for the enforcement of this Part of this Act within their district, and, for the purpose of enforcing the provisions of this Part of this Act and of defraying the expenses of so doing, a local authority may combine with any other local authority for the purposes of this Part of this Act or with any local authority for the purposes of Part I of the Children Act, 1908, and in relation to any such combination which includes any such local authority as is last-mentioned, the second reference in this section to this Part of this Act shall be construed as including a reference to Part I of the Children Act, 1908.

(2) A local authority or the county council may institute proceedings for an offence under this Part of this Act.

Variation of trusts for maintenance of children.

269.—(1) Where, by virtue of an order of any court made under this Part of this Act, a child is removed from the care of any person, and that person is entitled under a trust to receive any sum of money in respect of the maintenance of the child, the court may order the whole or any part of that sum to be paid to the person to whose care the child is committed, to be applied by that person for the benefit of the child in such manner as the court, having regard to the terms of the trust, may direct.

(2) An appeal shall lie to quarter sessions from any order made under this section.

Application of Summary Jurisdiction Acts.

270. All orders which may be made under this Part of this Act by a court of summary jurisdiction (whether a petty sessional court or not) shall be made, and all proceedings in relation to such orders shall be taken, in manner provided by the Summary Jurisdiction Acts, and the power to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to the making of rules for regulating the procedure of courts of summary jurisdiction under this Part of this Act, and matters incidental thereto.

PART XIII. —*cont.* Exemption of certain institutions.

271.—(1) The provisions of this Part of this Act shall not apply in relation to any hospital, convalescent home or institution—

(*a*) which is maintained by a Government department or a local authority (whether or not a local authority for the purposes of this Part of this Act), or by any other authority or body constituted by special Act of Parliament or Royal Charter, or

(*b*) of which particulars are required to be, and are, transmitted annually to the Secretary of State under the provisions of Part V of the Children and Young Persons Act, 1933, or

(*c*) which is an institution, house or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, and in which no child or young person who is not a mental defective within the meaning of those Acts is received.

In this subsection the expression "child" means a person under the age of fourteen years, and the expression "young person" means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) A local authority may grant in respect of any hospital, convalescent home or institution within their district a certificate exempting it from the operation of the provisions of this Part of this Act, and thereupon the said provisions shall cease to extend thereto.

Interpretation.

272.—(1) In this Part of this Act the expression "foster child" means a child under the age of nine years in respect of whom a notice has been, or ought to have been, given under this Part of this Act or under section one of the Children Act, 1908, and who is still living apart from his parents (if any) with the person by whom the notice was, or ought to have been, so given.

(2) A mental defective who is, with the consent of the Board of Control, under care elsewhere than in an institution, a certified house or an approved home, shall be deemed not to be a foster child.

PART XIII. —*cont.*

(3) Nothing in this Part of this Act shall apply in relation to any undertaking to nurse and maintain a child, being an undertaking entered into—

(*a*) by any relative or legal guardian of the child; or

(*b*) in pursuance of any Act relating to the relief of the poor or any order made under such an Act;

and in this subsection, the expression " relative " means, in relation to a child, any person being a grandparent, brother, sister, uncle or aunt of the child by consanguinity or affinity, or, in the case of an illegitimate child, the persons who would be so related to the child if he were legitimate, and the expression " legal guardian " means, in relation to a child, a person duly appointed to be the guardian of the child, by deed or will or by order of a court of competent jurisdiction.

PART XIV.

MISCELLANEOUS AND GENERAL.

Incidental powers of sanitary authorities and port health authority.

Power to hold land.

273. A sanitary authority and the port health authority may, for the purpose of discharging their functions under this Act, acquire and hold land without licence in mortmain.

Exercise of powers of entry.

274.—(1) Where a sanitary authority have by virtue of this Act power to examine or enter any premises (whether a building, vessel, tent, van, shed, structure or place open or enclosed), they may exercise the power by any member of the authority, or by any person authorised by them either generally or specially:

Provided that the powers of entry conferred on a sanitary authority by the provisions of Part VIII of this Act relating to food byelaws or to the registration of premises used in connection with the sale of ice-cream or preserved food, may be exercised by any district medical officer of health or sanitary inspector notwithstanding that he is not so authorised as aforesaid by the sanitary authority.

(2) Where a sanitary authority or any of their officers, or any person acting under the direction of a

PART XIV. —*cont.*

sanitary authority or of any of their officers, have by virtue of any provision of this Act a right to enter any premises (whether a building, vessel, tent, van, shed, structure or place open or enclosed), then, subject to anything contained in that provision, the following provisions shall apply, that is to say:—

(*a*) the person claiming the right to enter the premises shall, if required, produce some written document, properly authenticated on the part of the sanitary authority, showing his right to enter;

(*b*) any person refusing or failing to admit any person who is duly authorised and claims to enter the premises shall, if—

(i) the entry is for the purpose of carrying into effect an order of a court of summary jurisdiction, and either is stated in the said document to be for that purpose or is claimed by an officer of the sanitary authority, or

(ii) it is proved that the refusal or failure was with intent to prevent the discovery of some contravention of this Act or of a byelaw in force thereunder, or

(iii) by virtue of the terms of the provision conferring the right of entry, the refusal or failure renders the person refusing or failing liable to a fine,

be liable to a fine not exceeding five pounds.

(3) If a justice is satisfied by information on oath—

(*a*) that there is reasonable ground for entry into any such premises as aforesaid, and that there has been a refusal or failure to allow entry into the premises, and either that reasonable notice of the intention to apply to a justice for a warrant has been given, or that the giving of notice would defeat the object of the entry, or

(*b*) that there is reasonable cause to believe that there is on any such premises some contravention of this Act or of a byelaw in force thereunder, and that an application for admission, or notice of an application for the warrant, would defeat the object of the entry,

PART XIV. —*cont.*

the justice may, by warrant under his hand, authorise the sanitary authority or any other person, as the case may require, to enter the premises, if need be by force, with such assistants as they or he may require, and there perform their or his duty under this Act.

(4) Any person obstructing the execution of any such warrant, or of any warrant granted by a justice in pursuance of any other provision of this Act and authorising the sanitary authority or some other person to enter any premises, shall be liable to a fine not exceeding twenty pounds or, in a case where a greater punishment is imposed by this Act or any other enactment, either to that fine or to that greater punishment.

(5) Every warrant granted under this Act for entry into any premises shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) Where a house or part of a house is alleged to be overcrowded so as to be a nuisance which may be dealt with summarily under this Act, a warrant under this section may authorise an entry into the house or part at any hour of the day or night specified in the warrant.

(7) Nothing in this section shall apply in relation to the powers of entry conferred by any of the provisions of this Act specified in Part VI of the First Schedule to this Act.

Penalty for obstruction, &c.

275.—(1) If any person—

(*a*) wilfully obstructs any member or officer of a sanitary authority or any person duly employed in the enforcement of any of the provisions of this Act other than those specified in Part VII of the First Schedule to this Act, or

(*b*) destroys, pulls down, injures or defaces any byelaw, notice or other matter posted up by authority of the Minister or of the county council or of a sanitary authority, or any board or other thing upon which any such byelaw, notice or matter is placed or inscribed, or

(*c*) wilfully damages any works or property belonging to a sanitary authority,

he shall, in any case in which no other penalty is provided by this Act, be liable to a fine not exceeding five pounds.

PART XIV. —*cont.*

(2) Where the occupier of any premises prevents the owner thereof from complying with or carrying into effect any of the provisions of this Act other than those specified in Part VII of the First Schedule to this Act, a petty sessional court, on complaint, shall by order require the occupier to permit the execution of any works which appear to the court necessary for the purpose of complying with or carrying into effect that provision; and if, within twenty-four hours after service on him of the order, the occupier fails to comply therewith, he shall be guilty of an offence and liable to a fine not exceeding five pounds for every day during which the offence continues.

(3) If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name and address of the owner of the premises, refuses or wilfully omits to disclose, or wilfully misstates, that name and address, he shall (unless he shows cause, to the satisfaction of the court, for his refusal) be liable to a fine not exceeding five pounds.

Byelaws.

Confirmation of byelaws.

276.—(1) The Minister shall be the confirming authority in respect of all byelaws made under this Act:

Provided that—

(*a*) as respects byelaws made under this Act for regulating the business of a vendor of fried fish, of a fish curer or of a rag and bone dealer which affect any such business carried on in a factory or workshop to which the Factory and Workshop Act, 1901, applies, the confirming authority shall be the Secretary of State and the Minister acting jointly; and

(*b*) before confirming any food byelaws relating to a business carried on in any such factory or workshop as aforesaid, the Minister shall consult the Secretary of State.

(2) At least one month before applying to the Minister for confirmation of any food byelaw applying to the transport by a railway company of any article intended to be sold for food for human consumption, the council by whom the byelaw was made shall give to the company notice of the council's intention to make

the application, accompanied by a copy of the bye-law which is to be the subject of the application, and the railway company shall be entitled to make representations with respect thereto to the Minister. PART XIV. —*cont.*

Byelaws made by authorities in the city and the Temples.

277. The following provisions shall have effect with respect to byelaws made under this Act by the common council, the overseers of the Inner Temple or Middle Temple, or the port health authority:—

(1) all such byelaws shall be under the common seal of the authority making the byelaws, and shall not have effect until confirmed by the confirming authority under the last foregoing section;

(2) at least one month before application for the confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more newspapers circulating in the area to which the byelaws relate;

(3) for at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made and shall be open to inspection, during office hours, by any ratepayer of the area to which they relate, without payment;

(4) the clerk of the authority shall, on the application of any such ratepayer as aforesaid, furnish him with a copy of the byelaws, or of any part thereof, on payment of sixpence for every one hundred words contained in the copy;

(5) a copy of the byelaws, when confirmed, shall be printed and hung up in the offices of the authority by whom they were made, and a copy thereof shall, on demand, be delivered to any such ratepayer as aforesaid;

(6) a copy of the byelaws, signed and certified by the clerk of the authority by whom they were made to be a true copy of the byelaws as confirmed, shall, until the contrary is proved, be evidence of the due making and confirmation of those byelaws; and

(7) the byelaws may provide that offenders under the byelaws shall be liable to such reasonable

PART XIV. —*cont.*

fines as may be specified therein, not exceeding, in respect of each offence, five pounds and, in the case of a continuing offence, forty shillings for each day during which the offence continues after written notice of the offence has been served by the authority on the offender:

Provided that, in the case of byelaws made by the common council for regulating the business of a vendor of fried fish, or of a fish curer, or of a rag and bone dealer, the council may charge a sum, not exceeding sixpence, for every copy of the byelaws so delivered.

Extent of byelaws.

278.—(1) Save as otherwise expressly provided by this Act, no byelaws made under this Act by the county council shall extend to the city.

(2) Save in so far as they may be extended under this Act by the Minister to the port of London, no byelaws made under this Act otherwise than by the port health authority shall extend to the port:

Provided that this subsection shall not apply in relation to byelaws made under any of the provisions of this Act specified in Part VIII of the First Schedule to this Act.

Legal Proceedings.

Mode of recovering fines, expenses, &c.

279.—(1) All offences, fines, costs, damages and expenses under this Act or any byelaw made under this Act, the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered in a summary manner.

(2) Proceedings for the recovery of a demand not exceeding fifty pounds, which a sanitary authority or any other person are or is empowered under this Act to recover in a summary manner, may, at the option of the authority or person, be taken in the county court as if the demand were a debt.

Restriction on proceedings against sanitary authority.

280.—(1) Proceedings in pursuance of this Act shall not be taken by the county council against a sanitary authority except with the consent of the Minister, unless the proceedings are for the recovery of expenses or of money due from the sanitary authority to the county council.

(2) This section shall not apply in relation to proceedings taken by virtue of Part II of this Act. PART XIV. —*cont.*

Application of fines and disposal of things forfeited.

281.—(1) Save as otherwise provided by this Act, all fines and other sums recovered by virtue of this Act shall, subject to the provisions of section five of the Criminal Justice Administration Act, 1914, be paid to the sanitary authority, except that any fine imposed on a sanitary authority shall be paid to the county council.

(2) All things forfeited under this Act may be sold or disposed of in such manner as the court ordering the forfeiture may direct.

(3) This section shall not apply in relation to fines or other sums recoverable, or things forfeited, by virtue of Part II, Part XI or Part XII of this Act.

Provisions as to nuisances.

282.—(1) Where any nuisance under this Act appears to be wholly or partly caused by the acts or defaults of two or more persons, the sanitary authority or other complainant may institute proceedings either against any one of those persons or against all or any two or more of them jointly; and any one or more of those persons may be ordered to abate the nuisance, so far as it appears to the court having cognisance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of the court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of those persons would not separately have caused a nuisance; and the costs may be distributed in such manner as the court thinks fair and reasonable.

(2) Where by virtue of the foregoing subsection proceedings in respect of a nuisance are taken against two or more persons jointly, the proceedings shall not abate by reason of the death of any of those persons, but may be carried on as if the deceased person had not been originally proceeded against.

(3) Where one or some only of the persons by whose act or default any nuisance has been caused have been proceeded against under this Act, the person or persons proceeded against shall, without prejudice to any other remedy, be entitled to recover in a summary manner from the other persons a proportionate part of the costs

PART XIV. —*cont.*

of the proceedings and of abating the nuisance, and of any fine and costs ordered to be paid by the court in the proceedings.

(4) Where, in any proceedings under the provisions of this Act relating to nuisances, it becomes necessary to mention or refer to the owner or occupier of any premises, he may be designated as "the owner" or "the occupier" of those premises, as the case may be, without name or further description.

(5) The provisions of the Fifth Schedule to this Act shall have effect for the purpose of preventing and abating any nuisance which by virtue of any of the provisions of this Act may be dealt with summarily under this Act.

Judge being member of sanitary authority, &c.

283.—(1) A judge or justice shall not be incapable of acting in cases arising under this Act by reason of his being a member of a sanitary authority, or by reason of his being, as one of several ratepayers or as one of any other class of persons, liable in common with the others to contribute to, or to be benefited by, any rate or fund out of which any expenses incurred by a sanitary authority are to be defrayed.

(2) This section shall not apply in relation to cases arising under any of the provisions of this Act specified in Part I of the First Schedule to this Act.

Appearance of county council or sanitary authority in legal proceedings.

284. The county council or a sanitary authority may appear before any court or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of the council or authority; and any clerk, officer or member so authorised by the county council or a sanitary authority may institute and carry on any proceedings which the council or authority are authorised to institute and carry on under any of the provisions of this Act other than those referred to in Part IX of the First Schedule to this Act.

Appeals.

Appeal from courts of summary jurisdiction to quarter sessions.

285. Without prejudice to the effect of any other Act, a person who considers himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint

under any of the provisions of this Act other than those specified in Part X of the First Schedule to this Act, may, save as otherwise provided by this Act, appeal therefrom to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts. PART XIV. —*cont.*

Appeals from sanitary authorities to county council.

286.—(1) There shall be no appeal under this Act from the common council to the county council.

(2) An appeal to the county council under this Act shall be heard and determined by a committee appointed for the purposes of this section by the county council, which committee is in this section referred to as "the appeal committee"; and the form of, and the procedure on, any such appeal shall be regulated in accordance with byelaws made by the county council.

(3) Upon hearing any such appeal as aforesaid, the appeal committee—

(*a*) may allow or dismiss the appeal, or quash, confirm or vary the order or resolution appealed against;

(*b*) may order that the costs of the appeal be paid to or by the sanitary authority concerned by or to the appellant;

(*c*) subject as hereinafter provided, may, in any case where they think fit so to do, award compensation in respect of any act done by the sanitary authority in relation to the matter of the appeal:

Provided that no compensation shall be awarded under this subsection in respect of any act done by a sanitary authority under this Act in default of compliance with an order made by the sanitary authority under this Act, unless the appeal has been brought within seven days after notice of the order was given to the occupier of the premises to which the order relates.

(4) The chairman of the county council shall be ex officio a member of the appeal committee and shall preside at all meetings of the committee at which he is present, but in his absence, or in the event of a vacancy in the office of chairman of the county council, such other member of the committee as they may choose shall preside.

PART XIV. —*cont.*

(5) Any member of the appeal committee may at any time resign his office, and in the event of any vacancy occurring in the committee, the county council shall appoint a person to fill the vacancy.

(6) The quorum of the appeal committee shall be three.

Financial Provisions.

Expenses of local authorities.

287.—(1) The expenses incurred under this Act by the county council shall, save as otherwise provided by this Act, be defrayed as expenses for general county purposes.

(2) The expenses incurred under this Act by a borough council shall be defrayed out of the general rate authorised to be levied by the council.

(3) The expenses incurred under this Act by the common council shall be defrayed out of the general rate authorised to be levied by the council.

(4) The expenses incurred under this Act by the overseers of the Inner Temple or Middle Temple shall be defrayed out of a rate levied by the overseers in the nature of a general rate.

(5) The expenses incurred under this Act by the port health authority shall be defrayed out of the corporate funds of the authority or out of the general rate which the common council are authorised to levy.

Receipts of borough councils.

288. All sums received by virtue of this Act by a borough council shall be applied in aid of the general rate of the borough.

Recovery of expenses by sanitary authority from occupier of premises.

289.—(1) Subject as hereinafter provided, the amount of any costs or expenses which are recoverable under this Act by a sanitary authority from the owner of any premises may be recovered from the occupier for the time being of the premises:

Provided that the occupier shall not be liable under this section to pay to the sanitary authority any sum in excess of the amount of rent (if any) which either—

(*a*) is for the time being due from him in respect of the premises, or

PART XIV. —*cont.*

(*b*) becomes due from him in respect of the premises after the sanitary authority have demanded from him the costs or expenses, as the case may be, and have given him notice requiring him not to pay any rent without deducting the costs or expenses;

but the occupier shall not be entitled to the benefit of this proviso if he refuses, on the application of the sanitary authority, to disclose the amount of the rent and the name and address of the person to whom it is payable, and it shall lie on the occupier to prove that the sum demanded from him by the sanitary authority exceeds the amount of rent aforesaid.

(2) Where, in pursuance of the foregoing subsection, any sum is recovered from the occupier of any premises, then, if he is occupying the premises as a tenant, he may, subject to the terms of any contract between him and the landlord, deduct the amount of that sum from the rent from time to time becoming due from him in respect of the premises, as if that sum had been duly paid as part of the rent.

Mode of borrowing by sanitary authorities.

290.—(1) Money borrowed by a borough council for the purposes of this Act shall be borrowed in accordance with, and subject to the provisions of, the Metropolis Management Acts, 1855 to 1893.

(2) Money borrowed for the purposes of this Act by the common council shall be borrowed in accordance with, and subject to, the City of London Sewers Act, 1848. 11 & 12 Vict. c. clxviii.

(3) Where, under this Act, the consent of the Minister is required to any borrowing by a sanitary authority, the consent of any other authority to that borrowing shall not be required.

Remedies in case of default by sanitary authority.

Power of county council to act on default of borough councils, &c.

291.—(1) The county council, on proof to their satisfaction that a sanitary authority other than the common council have made default in doing their duty under this Act with respect to the removal of any nuisance, the institution of any proceedings or the enforcement of any byelaw, may institute any proceedings and do any act which the authority might

PART XIV. —*cont.*

have instituted or done for that purpose, and may recover from the authority all such expenses as the county council incur in so doing and are not recovered from any other person, and have not been incurred in any unsuccessful proceeding.

(2) This section shall not apply in relation to any default in instituting proceedings, or in enforcing any byelaw, under any of the provisions of this Act specified in Part XI of the First Schedule to this Act.

Jurisdiction of Minister on default of borough councils, &c.

292.—(1) Where complaint is made by the county council to the Minister that a sanitary authority other than the common council have made default in enforcing any provisions of this Act, or of any byelaw made in pursuance thereof, which it is their duty to enforce, the Minister, if satisfied after due inquiry that the authority have been guilty of the alleged default, and that the matter of the complaint cannot be remedied under other provisions of this Act, shall make an order directing the authority to perform their duty in the said matter within such period as may be specified in the order; and if that duty is not performed within the period so specified, the order may be enforced by writ of mandamus, or the Minister may appoint the county council to perform the duty.

(2) Where such an appointment is made, the county council shall, for the purpose of the performance of their duties under the appointment, have all the powers of the defaulting sanitary authority, and all expenses incurred by the county council in the performance of the said duties, together with the costs of the previous proceedings, so far as not recovered from any other person, shall be a debt due from the sanitary authority to the county council.

(3) For the purpose of recovering any debt due to them under the last foregoing subsection, the county council shall, without prejudice to any other remedy, have the same power of levying the amount by a rate, and of requiring officers of the defaulting authority to pay over money in their hands, as that authority would have in the case of expenses legally payable out of a rate raised by them.

PART XIV. —*cont.*

(4) The county council shall pay any surplus of the rate so levied to, or to the order of, the defaulting authority.

(5) If any loan is required to be raised for the purpose of the performance of their duties under any such appointment, the county council, with the consent of the Minister, may raise the loan, and may for that purpose borrow the required sum in the name of the defaulting authority for the same period, on the same security, and on the same terms, as that authority might have borrowed, and the principal and interest of the loan shall be a debt due from the defaulting authority, and shall be secured, and may be recovered, as if the loan had been borrowed by that authority.

(6) The surplus (if any) of any such loan not applied for the purpose for which it is raised shall, after payment of the expenses of raising it, be paid to, or to the order of, the defaulting authority, and be applied as if it were the surplus of a loan raised by that authority.

(7) This section shall not apply in relation to any default in enforcing any of the provisions of this Act specified in Part XII of the First Schedule to this Act.

Assignment to county council of functions of defaulting sanitary authority under epidemic regulations.

293.—(1) If the Minister is of opinion that any sanitary authority other than the common council are making, or are likely to make, default in the performance of their duty to enforce any epidemic regulations, the Minister may by order assign to the county council, for such period as may be specified in the order, such functions of the sanitary authority under those regulations as he thinks fit.

(2) The expenses incurred by the county council in pursuance of an order made under this section shall be recoverable in manner provided by subsection (3) of the last foregoing section from the sanitary authority to whom the order relates.

Power of city police to proceed in default of common council.

294.—(1) Where it is proved to the satisfaction of the Minister that the common council have made default in doing their duty in relation to nuisances which may be dealt with summarily under this Act, the Minister may authorise any officer of police of the city to institute any proceedings which the common council might institute with regard to such nuisances, and that officer

PART XIV. —*cont.*

may recover from the common council in a summary manner or in the county court or High Court any expenses incurred by him under this section and not paid by the person proceeded against.

(2) An officer of police shall not, for the purpose of this section, have power to enter any house or part of a house used as the dwelling of any person without either that person's consent or the warrant of a justice.

Jurisdiction of Minister on default of common council.

295.—(1) Where complaint is made to the Minister that the common council have made default in enforcing any provisions of this Act, the Minister, if satisfied, after due inquiry, that the council have been guilty of the alleged default, shall make an order directing them to perform their duty in the matter of the complaint within such period as may be specified in the order; and if the duty is not performed within the period so specified, the order may be enforced by writ of mandamus, or the Minister may appoint some person to perform the duty, and shall by order direct that the expenses of performing the duty, together with a reasonable remuneration to the person appointed for superintending the performance thereof, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the council, and any order made for the payment of such expenses and costs may be removed into the High Court and enforced as an order of that court.

(2) The Minister may by order appoint any person in lieu of a person appointed under the foregoing subsection.

(3) Any person appointed under this section shall, in the performance and for the purposes of his duty under the appointment, have all the powers of the common council other than (save as hereinafter provided) the power of levying rates.

(4) Any sum specified in an order of the Minister under this section in respect of the expenses of performing the duty of the common council, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by the council, and to be a debt due from them and payable out of any moneys in their hands or the hands of their officers, or out of any rate applicable to the payment of any expenses properly

incurred by the common council (which rate is hereinafter in this section referred to as the " local rate ").

(5) If the common council refuse to pay any debt due from them under the last foregoing subsection for a period of fourteen days after demand, the Minister may by order empower any person to levy, by and out of the local rate, such sum (to be specified in the order) as may, in the opinion of the Minister, be sufficient to defray the debt and all expenses incurred in consequence of the non-payment thereof.

(6) Any person so empowered as aforesaid shall have the same powers of levying the local rate, and requiring all officers of the common council to pay over any money in their hands, as the council would have in the case of expenses legally payable out of a local rate to be raised by them; and the said person, after repaying all sums of money due in respect of the order, shall pay the surplus, if any, as ascertained by the Minister, to or to the order of the council.

(7) The Minister may certify the amount of the expenses incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Minister under this section to perform the duty of the common council, and the amount of any loan required to meet any expenses or estimated expenses so certified; and the certificate of the Minister shall be conclusive as to all matters to which it relates.

(8) Whenever the Minister certifies a loan to be required to defray the expenses of a person appointed as aforesaid, the Minister or the person so appointed may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of the loan, and every such charge shall have effect as if the common council were empowered to raise the loan on the security of the local rate, and had duly executed an instrument charging it on that rate.

(9) Any principal money or interest for the time being due in respect of a loan under this section shall be a debt due from the common council, and, without prejudice to any other remedies, may be recovered in the manner in which a debt due from the council may be recovered in pursuance of this section.

PART XIV. —*cont.*

(10) The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount of the surplus being certified by the Minister, be paid to or to the order of the common council.

(11) This section shall not apply in relation to any default in enforcing any of the provisions of this Act specified in Part XII of the First Schedule to this Act.

Miscellaneous provisions.

Regulations as to disposal of dead bodies.

296. The Minister, with the concurrence of a Secretary of State, may make regulations imposing any conditions and restrictions with respect to means of disposal of dead bodies otherwise than by burial or cremation, as to the period for which a body may be retained after death on any premises, or with respect to embalming or preservation, which may appear to be desirable in the interests of public health or public safety.

Inquiries by Minister.

297.—(1) The Minister may, in addition to the inquiries which he is required by this Act to make, cause to be made such inquiries as he thinks fit in relation to any matter concerning the public health in any place, or in relation to any matter with respect to which his approval or consent is required by this Act.

(2) The Minister may make orders as to the costs of inquiries directed by him under this Act, and as to the parties by whom, or the rates out of which, such costs are to be paid; and every such order may be made a rule of the High Court on the application of any person named in the order.

(3) All orders made by the Minister under the last foregoing subsection shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as the Minister may direct.

(4) An inspector shall, for the purposes of an inquiry directed under this Act by the Minister, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters, similar powers to those which poor law inspectors have under the Poor Law Act, 1930.

PART XIV. —*cont.*

Publication of information as to health or disease.

298.—(1) The county council and, in the district of any sanitary authority, that authority may arrange for the publication of information on questions relating to health or disease, and for the delivery of lectures, and the display of pictures (including cinematograph displays), in which such questions are dealt with.

For the purposes of this subsection the overseers of the Inner Temple or Middle Temple shall be deemed not to be a sanitary authority.

(2) The county council may pay, or contribute towards the payment of, any expenses incurred in pursuance of this section by a borough council.

(3) The Minister 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.

Protection of authorities and their officers and agents from personal liability.

299.—(1) No act or thing done by any member of the county council or of a sanitary authority, or by any officer of the county council or of a sanitary authority or other person acting under the direction of the county council or of a sanitary authority, shall, if the act or thing was done bona fide for the purpose of carrying this Act into effect, subject him personally to any liability, action, claim or demand whatsoever.

(2) Any expense incurred by any such member, officer or person as is mentioned in the last foregoing subsection for the purpose of carrying this Act into effect, shall be paid by the county council or the sanitary authority, as the case may be.

(3) Nothing in this section shall be construed to exempt any member of the county council or of a sanitary authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the council or authority, and which that member authorised or joined in authorising.

(4) This section shall not apply to any act or thing done for the purposes of any of the provisions of this Act specified in Part XIII of the First Schedule to this Act.

Authentication of documents.

300.—(1) Without prejudice to any special provisions of this Act, every notice and every document other than an order shall, when issued in pursuance of this Act by

PART XIV. —*cont.*

the county council or a sanitary authority, be sufficiently authenticated if signed by their clerk or, if it is given or served by any of their officers, by that officer, or where so issued by the overseers of the Inner Temple or Middle Temple, be sufficiently authenticated if signed by the sub-treasurer of the Inner Temple or under-treasurer of the Middle Temple, as the case may be.

(2) Every order of the county council or of a sanitary authority shall be under the seal of the council or authority duly authenticated.

Service of documents.

301.—(1) Without prejudice to any special provisions of this Act, any notice, order or other document required or authorised by this Act to be served on any person (not being such a notice as is referred to in the next following subsection) may be served—

(*a*) by addressing the notice, order or document or a copy thereof to the said person and by delivering it to him or at his usual or last known place of residence in England or, where that person is the owner or occupier of any premises,—

(i) delivering it to some person on the premises; or

(ii) if there is no person on the premises to whom it can be delivered, affixing it on some conspicuous part of the premises; or

(*b*) by sending the notice, order or document or a copy thereof by post addressed to the said person at his usual or last known residence in England or, if that person is the owner or occupier of any premises, at those premises.

(2) Any notice required or authorised to be served on any person under the provisions of this Act relating to the registration of premises used in connection with the sale of ice-cream or preserved food, or relating to the compulsory acquisition of land for the purposes of baths or wash-houses, may be served—

(*a*) by addressing the notice to that person and by delivering it to him or at his residence; or

(*b*) where that person is the owner or occupier of premises, by addressing the notice or a copy thereof to him and by delivering it to some

person on the premises or, if there is no person on the premises to whom it can be delivered, affixing it on some conspicuous part of the premises;

and any such notice as aforesaid may be served by post:

Provided that—

(i) where the person to be served is a company the notice shall be delivered to, or sent by post addressed to, the secretary of the company at their registered office or at their principal office or place of business;

(ii) where the person to be served is a firm, the notice may be addressed to the firm by their business name and delivered at, or sent by post to, their principal place of business, and shall, if so addressed and so delivered or sent, be deemed to have been duly served on each partner in the firm.

For the purposes of this subsection—

(*a*) the expressions "business name," "firm" and "partner" have respectively the same meanings as in the Registration of Business Names Act, 1916; and 6 & 7 Geo. 5. c. 58.

(*b*) service of a notice by post shall be deemed to be effected by properly addressing the notice and posting it.

(3) Without prejudice to any special provisions of this Act, any notice required or authorised by this Act to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier" of the premises (naming them), without further name or description.

(4) Save as otherwise expressly provided by this Act, any notice required or authorised to be served for the purposes of this Act on the county council or a sanitary authority shall be deemed to be duly served if it is in writing and is delivered at, or sent by post to, the office of the council or authority, addressed to the council or authority or to their clerk.

PART XIV. —*cont.* Forms.

302. For the purposes of this Act, the following documents, that is to say,—

(1) notices requiring the abatement of nuisances;

(2) summonses in summary proceedings in respect of nuisances;

(3) nuisance orders;

(4) warrants of justices for entry into premises,

shall, unless other forms are prescribed under the Summary Jurisdiction Acts, be in the forms respectively prescribed in the Sixth Schedule to this Act, or forms to the like effect, subject to such variations as circumstances may require.

Explanation of s. 343 of 38 & 39 Vict. c. 55. 35 & 36 Vict. c. 79.

303. For the removal of doubts it is hereby declared that section three hundred and forty-three of the Public Health Act, 1875, in so far as it re-enacts sections thirty-four to thirty-six of the Public Health Act, 1872, extends to the county.

Supplementary Provisions.

Interpretation.

304.—(1) In this Act, unless the context otherwise requires or it is otherwise specially provided, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" ashpit " means any ashpit, dustbin, ashtub or other receptacle for the deposit of ash or refuse matter :

" bakehouse " means any place used for the baking of bread, biscuits or confectionery from the baking or selling of which a profit is derived :

" baths " includes open bathing places and covered swimming baths :

" building " includes, in relation to any building, the curtilage thereof :

" by day " means during the period, on any day, between six a.m. and nine p.m. :

" cattle " includes sheep, goats and swine :

" cistern " includes a water-butt :

" the city " means the City of London :

PART XIV. —*cont.*

" closing order " means a nuisance order prohibiting the use of a dwelling house for human habitation :

" common lodging-house " means, in relation to any house of which part only is used as a common lodging-house, the part of the house so used :

" the county " means the administrative county of London :

" the county council " means the London County Council :

" covered swimming baths " means swimming baths protected from the weather by roofs or other coverings :

" dairy " includes any farm, farmhouse, cow-shed, milk store, milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale :

" dairyman " includes any cow-keeper, purveyor of milk or occupier of a dairy :

" district medical officer of health " means a medical officer of health for the district of a sanitary authority and, in relation to any sanitary authority or the district of a sanitary authority, means a medical officer of health for the district of that authority :

" functions " means powers or duties :

" hospital " means any premises or vessel for the reception of invalids, whether permanently or temporarily applied for that purpose ;

" house " includes a school and also a factory or other building in which persons are employed and, in relation to a house as hereinbefore defined, includes the curtilage thereof :

" house refuse " means ashes, cinders, breeze, rubbish, night-soil or filth, but does not include trade refuse :

" inspector " means an inspector appointed by the Minister :

" justice " means a justice of the peace :

" knacker " means a person who carries on the business of killing horses, asses, mules or cattle

PART XIV. —*cont.*

otherwise than for the purpose of the flesh thereof being used as butcher's meat, and "knacker's yard" means any building or place used for the purpose of such business:

"master" means—

(*a*) in relation to a building or part of a building, any person occupying, or having the charge, management or control of, the building or part;

(*b*) in relation to a vessel, the master or other person in charge of the vessel,

and includes, in relation to a house the whole of which is let in separate tenements or a lodging-house the whole of which is let to lodgers, the person entitled to receive the rents payable in respect thereof by the tenants or lodgers either for his own benefit or as agent for another person:

"maternity home" means any premises used or intended to be used for the reception of pregnant women or of women immediately after child-birth:

"the Minister" means the Minister of Health:

"notifiable infectious disease" and "dangerous infectious disease" respectively mean, subject to the provisions of any order in force under the next following section, any of the following diseases, that is to say, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued or puerperal:

"nursing home" means any premises used or intended to be used for the reception of, and the providing of nursing for, persons suffering from any sickness, injury or infirmity, and includes a maternity home, but does not include—

(i) any hospital or other premises maintained or controlled by a Government department or local authority or by any other body of persons constituted by special Act of Parliament or incorporated by Royal Charter, or

PART XIV. —*cont.*

(ii) any institution for persons of unsound mind within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930, or

(iii) any institution, house or home certified or approved by the Board of Control under the Mental Deficiency Act, 1913: 3 & 4 Geo. 5. c. 28.

"owner" means, in relation to any premises, the person who is for the time being entitled to receive the rack rent payable in respect of the premises, whether for his own benefit or as agent or trustee for another person, or who would be so entitled if the premises were let at a rack rent:

"place of safety" means any remand home, workhouse or police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive a child:

"port of London" means the port of London as established for the purposes of the law relating to the customs of the United Kingdom:

"premises" includes land, buildings and easements:

"qualified nurse" means—

(*a*) a person registered in the general part of the register of nurses required to be kept under the Nurses Registration Act, 1919; or 9 & 10 Geo. 5. c. 94.

(*b*) a person who had, before the end of June, nineteen hundred and twenty-eight, completed a three years' course of training in a hospital which was during the period of her training, or subsequently became, a training school approved for the purpose of admission to the general part of the said register by the General Nursing Council for England and Wales, the General Nursing Council for Scotland or the General Nursing Council for Northern Ireland;

and in relation to any premises used or intended to be used solely for the reception of, and the provision of nursing for, a class of patients in whose case the requisite nursing can be suitably and adequately provided by nurses of a class

PART XIV. —*cont.*

whose names are contained in some part of the register of nurses required to be kept under the Nurses Registration Act, 1919, other than the general part of that register, references in paragraphs (*a*) and (*b*) of this definition to the general part of the said register shall be construed as including references to that other part of the register:

"rack rent" means, in relation to any premises, a rent not being less than two-thirds of the annual value of the premises, and for the purposes of this definition the annual value of any premises shall be taken to be the annual rent which a tenant might reasonably be expected (taking one year with another) to pay for the premises on the assumptions—

(*a*) that the tenant undertakes to pay all usual tenant's rates and taxes and any tithe commutation rentcharge payable in respect of the premises; and

(*b*) that the landlord undertakes to bear the cost of the repairs and insurance and any other expenses necessary to maintain the premises in such a state as to command such rent as is last mentioned:

"rag and bone dealer" means any person selling, or buying for the purpose of re-sale, or otherwise dealing in, rags (other than tailors' or dressmakers' cuttings), bones, rabbit-skins, fat or other like articles:

"sanitary convenience" includes a watercloset, urinal, earthcloset, privy and any similar convenience:

"sanitary inspector" means a sanitary inspector appointed under this Act and, in relation to a sanitary authority, means a sanitary inspector of that authority:

"slaughterer" means a person who carries on the business of killing cattle, horses, asses or mules for the purpose of the flesh thereof being used as butcher's meat, and "slaughter-house" means any building or place used for the purpose of such a business:

PART XIV —*cont.*

"source of water supply" means any stream, reservoir, aqueduct, pond, well, tank, cistern, pump, fountain or other works for, or means of, supplying water, whether actually used or capable of being used for the supply of water or not:

"street" includes a highway, a public bridge and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and notwithstanding the absence of houses:

"street refuse" means dust, dirt, rubbish, mud, road scrapings, ice, snow or filth:

"tenement house" means a house occupied by any person of the working class which is wholly or partly let in lodgings or which is occupied by members of more than one family:

"trade refuse" means the refuse of any trade, manufacture or business or of any building materials:

"vermin" includes bugs, fleas, lice and itch mites and their eggs, larvæ and pupæ:

"vessel" includes a boat and every description of vessel used in navigation:

"wash-houses" includes open drying grounds:

"working class" has the same meaning as in the Fifth Schedule to the Housing Act, 1925.

(2) References in this Act to any Act, or any provision of any Act, which has been amended by any subsequent Act passed before the commencement of this Act, shall be construed as references to that Act or provision as so amended.

(3) For the purposes of this Act the London Passenger Transport Board shall, as respects any of their railway undertakings, be deemed to be a railway company.

Additions to number of notifiable or dangerous infectious diseases.

305.—(1) A sanitary authority may, by resolution passed at a meeting of the authority of which notice has been given in accordance with this section, order that—

(*a*) the provisions of Part IX of this Act which relate to notifiable infectious diseases, or

(*b*) all or any of the provisions of Part IX of this Act which relate to dangerous infectious diseases,

PART XIV. —*cont.*

shall apply, in the district of the authority, to any infectious disease which is not, as the case may be, a notifiable infectious disease or a dangerous infectious disease as defined in the last foregoing section; and any disease to which any provision of Part IX of this Act is applied by the order shall be deemed for the purposes of that provision to be a notifiable infectious disease or a dangerous infectious disease, as the case may be.

(2) An order made under this section may be permanent or temporary, and may be revoked or varied by the authority who made it:

Provided that a temporary order shall specify the period during which the order is to continue in force.

(3) The county council shall, as respects the county, have the same power of applying by order to any infectious disease the provisions referred to in subsection (1) of this section, and the same power of revoking or varying such an order, as a sanitary authority have under this section as respects their district; and any such provision, when so applied by an order of the county council, shall be construed as if it had been so applied by each sanitary authority as respects their district.

(4) Fourteen clear days at least before the meeting at which any resolution for the making of an order under this section is to be considered, special notice of the meeting, and of the intention to propose the making of the order, shall be given to every member of the authority concerned, and the notice shall be deemed to have been duly given to a member if it is given in the mode in which notices to attend meetings of the authority are usually given.

(5) An order made under this section, and the revocation and variation of any such order, shall not be of any effect until it has been approved by the Minister, and when it is so approved, the authority by whom the order was made shall give public notice thereof by advertisement in a local newspaper, and by hand-bills, and otherwise in such manner as the authority think sufficient for giving information to all persons interested.

(6) A copy of every order made under this section shall if the order is made by a sanitary authority, be sent by that authority, or, if the order is made by the county

council, be sent by every sanitary authority, to every legally qualified medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district. PART XIV. —*cont.*

(7) Every order under this section which has been duly approved shall come into operation on such date, not being earlier than one week after the publication of the first advertisement of the order, as the authority by whom the order was made may fix.

(8) Notwithstanding anything in the foregoing provisions of this section, the following provisions shall have effect in relation to the making of an order under this section in a case of emergency :—

(*a*) three clear days' notice of the meeting to consider the resolution for the order, and of the intention to propose the making thereof, shall be sufficient;

(*b*) the resolution shall declare the cause of the emergency and shall be for a temporary order;

(*c*) a copy of the order shall be forthwith sent to the Minister and advertised;

(*d*) the order shall come into operation at the expiration of one week from the date of the advertisement thereof, but, unless approved by the Minister, shall cease to be in force at the expiration of one month from the date on which the resolution was passed, or as from such earlier date as may be fixed by the Minister ;

(*e*) the approval of the order by the Minister shall be conclusive evidence that the case was one of emergency.

306.—(1) Nothing in this Act shall authorise a sanitary authority— Savings.

(*a*) to affect injuriously the navigation of any river or canal; or

(*b*) to divert or diminish any supply of water of right belonging to any river or canal; or

(*c*) to affect injuriously any reservoir, canal, river or stream or the feeders thereof, or the supply, quality or fall of water in any reservoir, canal, river or stream or in the feeders thereof, without first obtaining the written consent of every

PART XIV. —*cont.*

person who would, if this Act had not been passed, have been entitled by law to prevent, or to be relieved in respect of, the injurious affection.

(2) Save as otherwise provided in this Act—

(*a*) nothing in this Act shall affect any of the powers of the Port of London Authority under the Port of London (Consolidation) Act, 1920,

(*b*) the powers, rights and remedies conferred and given by this Act shall be in addition to, and not in derogation of, any other powers, rights and remedies conferred and given by Act, law or custom.

(3) Nothing in this Act shall affect the operation of any scheme made under the London Government Act, 1899.

62 & 63 Vict. c. 14.

(4) The power to make orders conferred on the Minister by section sixty-four of the Local Government Act, 1929, shall be deemed to include a power, exercisable in the like manner and subject to the like restrictions, to make an order providing for the transfer to the county council of the functions of the common council under section one hundred and seventeen of this Act, or of all or any of the functions of borough councils under the following provisions of this Act, that is to say, sections one hundred and seventeen, one hundred and forty, one hundred and forty-one, one hundred and forty-four, and one hundred and forty-five, sections one hundred and fifty-six to one hundred and sixty-six, and Part XIII.

Transitional provisions.

307.—(1) Any agreement, apportionment, byelaw, determination, order, regulation, representation or scheme made, any approval, consent, direction, exemption, notice or sanction given, any condition imposed, and any certificate or licence issued, under any enactment repealed by this Act shall have effect as if made, given, imposed or issued under the corresponding provisions of this Act.

(2) Every person who, at the commencement of this Act, holds an office by virtue of any enactment repealed by this Act shall be deemed to have been duly appointed to that office under this Act, and shall continue to hold office on the same terms and conditions as if this Act had not been passed.

PART XIV. —*cont.*

(3) Any register kept under the provisions of any enactment repealed by this Act shall be deemed part of the register to be kept under the corresponding provisions of this Act, and any person who, by virtue of the provisions of any such enactment, is, at the commencement of this Act, registered or deemed to be registered under the provisions of that enactment, shall be deemed to be registered under the corresponding provisions of this Act.

(4) References in any document to the provisions of any enactment repealed by this Act shall be construed as references to the corresponding provisions of this Act.

(5) Where any offence, being an offence for the continuance of which a penalty was provided, has been committed under any enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provisions of this Act.

(6) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. 52 & 53 Vict. c. 63.

Repeal of enactments.

308. The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, commencement and extent.

309.—(1) This Act may be cited as the Public Health (London) Act, 1936.

(2) This Act shall come into operation on the first day of October, nineteen hundred and thirty-six.

(3) Save as otherwise expressly provided therein, this Act shall extend to the county and no further:

Provided that the provisions of this Act (other than those referred to in Part I of the First Schedule to this Act) shall extend to places outside the county so far as is necessary for giving effect to the said provisions of this Act in their application to the county and to any places to which those provisions are expressly applied.

SCHEDULES.

Sections 3, 4, 6, 9, 72, 73, 74, 274, 275, 278, 283, 284, 285, 291, 292, 295, 299, 309.

FIRST SCHEDULE.

EXCEPTED PROVISIONS.

PART I.

PROVISIONS EXCEPTED FROM SECTIONS THREE, FOUR, NINE, TWO HUNDRED AND EIGHTY-THREE, AND THREE HUNDRED AND NINE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twelve, one hundred and sixteen, one hundred and twenty-one to one hundred and twenty-three, one hundred and twenty-six, one hundred and twenty-seven, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and forty-six, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-one to one hundred and ninety, and two hundred and eight of this Act.

PART II.

PROVISIONS EXCEPTED FROM SECTION SIX OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twenty-one, one hundred and twenty-six, one hundred and twenty-seven, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-eight to one hundred and ninety, and two hundred and eight of this Act.

PART III.

PROVISIONS EXCEPTED FROM SECTION SEVENTY-TWO OF THIS ACT.

Sections thirty-four, forty-five, fifty-six to fifty-nine, sixty-two, sixty-four, and sixty-eight of this Act.

PART IV.

PROVISIONS EXCEPTED FROM SECTION SEVENTY-THREE OF THIS ACT.

Sections fifty-six to fifty-nine and sixty-four of this Act.

1ST SCH. —*cont.*

PART V.

PROVISIONS EXCEPTED FROM SECTION SEVENTY-FOUR OF THIS ACT.

Sections thirty-two, fifty-eight, sixty, sixty-two, and sixty-four of this Act.

PART VI.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED AND SEVENTY-FOUR OF THIS ACT.

Part II and Sections eighty-five, one hundred and twenty-six, one hundred and thirty-six, one hundred and eighty-six, and two hundred and forty-five of this Act.

PART VII.

PROVISIONS EXCEPTED FROM PARAGRAPH (*a*) OF SUBSECTION (1), AND SUBSECTION (2), OF SECTION TWO HUNDRED AND SEVENTY-FIVE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-nine, ninety-six, one hundred and twenty-six, one hundred and forty-three, one hundred and forty-five, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

PART VIII.

PROVISIONS EXCEPTED FROM SUBSECTION (2) OF SECTION TWO HUNDRED AND SEVENTY-EIGHT OF THIS ACT.

Sections thirty-four, eighty-five, one hundred and seventeen, one hundred and forty-three, one hundred and sixty-two, one hundred and seventy-one, and two hundred and forty-four of this Act.

PART IX.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED AND EIGHTY-FOUR OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twelve, one hundred and sixteen, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-six, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and forty-six, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-one, one hundred and eighty-four, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

1ST SCH. —*cont.*

PART X.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED AND EIGHTY-FIVE OF THIS ACT.

Parts VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twenty-six, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

PART XI.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED AND NINETY-ONE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections ninety-six, one hundred and twelve, one hundred and sixteen, one hundred and twenty-two, one hundred and twenty-three, one hundred and thirty-six, one hundred and forty-six, one hundred and eighty-one, and one hundred and eighty-four of this Act.

PART XII.

PROVISIONS EXCEPTED FROM SECTIONS TWO HUNDRED AND NINETY-TWO AND TWO HUNDRED AND NINETY-FIVE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Section one hundred and thirty-six of this Act.

PART XIII.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED AND NINETY-NINE OF THIS ACT.

Parts II, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twenty-one, one hundred and twenty-six, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

SECOND SCHEDULE.

Section 75.

Part I.

Provisions of Metropolis Management Act, 1855, and Metropolis Management Amendment Act, 1862, applied for the purposes of Part II of this Act.

The Metropolis Management Act, 1855.

Section sixty-two (which empowers borough councils to appoint officers).

Section one hundred and thirty-nine (which empowers the county council to appoint officers to act for two or more boroughs jointly).

Section one hundred and forty-nine (which empowers the county council and borough councils to enter into contracts for the purpose of carrying the Act into effect).

Section one hundred and fifty-four (which empowers the county council and borough councils to dispose of land) so far as it enables the county council to sell or dispose of land.

Section one hundred and fifty-six (which prescribes a penalty for withholding property transferred to the county council or to a borough council).

Section two hundred and eight (which prescribes a penalty for interrupting workmen, &c., in the execution of their duties).

Section two hundred and nine (which provides for the punishment of occupiers obstructing the execution of works, or not disclosing the owner's name).

Section two hundred and fifteen (which empowers borough councils to apportion charges between two or more persons).

Section two hundred and sixteen (which empowers borough councils to accept payment of charges by instalments).

Section two hundred and twenty-five (which provides for the ascertainment and recovery of compensation, damages and expenses).

Section two hundred and twenty-eight (which provides for damages being made good in addition to the imposition of a penalty).

2ND SCH. —*cont.*

Section two hundred and twenty-nine (which relates to transient offenders).

Section two hundred and thirty (which restricts the removal of proceedings into the High Court).

Section two hundred and thirty-seven (which preserves the functions and property of certain statutory commissioners in relation to Ely Place and Ely Mews in the borough of Holborn).

Section two hundred and forty (which preserves the functions and property vested, under the Crown Estate Paving Act, 1851, and the Acts recited therein, in the Commissioners of Works and the commissioners for carrying the said Acts into effect).

Section two hundred and forty-eight (which provides for the removal of difficulties arising from any conflict between the provisions of the Act and the provisions of local Acts).

THE METROPOLIS MANAGEMENT AMENDMENT ACT, 1862.

Section twenty (which authorises the Public Works Loans Commissioners to make loans to borough councils).

Section ninety-seven (which enables the landlords of premises to make certain deductions from the rent (if any) payable by them).

Section one hundred and seven (which provides for penalties being proceeded for within six months).

Section 80.

PART II.

PROVISIONS OF LOCAL ACTS THE OPERATION OF WHICH IS UNAFFECTED BY PART II OF THIS ACT.

34 & 35 Vict. c. cxxix. 35 & 36 Vict. c. clxiii. S.R. & O. 1901, No. 536. 2 Edw. 7. c. lxxxiv. 6 Edw. 7. c. cl.

The Hornsey Local Board Act, 1871, as amended by the Metropolitan Street Improvements Act, 1872, by the Hornsey Drainage Scheme, 1901, by the Hornsey Order, 1902 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1902) and by Part III of the London County Council (General Powers) Act, 1906.

36 & 37 Vict. c. ccxviii. 21 & 22 Geo. 5. c. lix.

The Beckenham Sewerage Act, 1873, as amended by Part VI of the London County Council (General Powers) Act, 1931.

37 & 38 Vict. c. xcvii.

Subsection (2) of section thirteen of the Metropolitan Board of Works Act, 1874.

54 & 55 Vict. c. ccv. 8 Edw. 7. c. cvii.

The Tottenham and Wood Green Sewerage Act, 1891, as amended by Part VII of the London County Council (General Powers) Act, 1908.

56 & 57 Vict. c. cciv. 11 & 12 Geo. 5. c. l.

Part III of the West Ham Corporation Act, 1893, as amended by section thirty-four of the London County Council (General Powers) Act, 1921.

2nd Sch. —*cont.*

The Willesden Sewerage Act, 1896.	
Part V of the London County Council (General Powers) Act, 1897.	59 & 60 Vict. c. ccxlvii.
The London County Council (Acton Sewage) Act, 1898, as amended by the Acton Sewage Act, 1905.	60 & 61 Vict. c. cclii. 61 & 62 Vict. c. cxliii.
The Penge Scheme, 1900, and the Penge and Beckenham Drainage Scheme, 1901.	5 Edw. 7. c. cclii. S. R. & O. 1900, No. 780. S. R. & O. 1901, No. 664.
Part IX of the London County Council (General Powers) Act, 1903.	3 Edw. 7. c. clxxxvii.
The London Government Act Adjustment Schemes Confirmation Act, 1906.	6 Edw. 7. c. cxxv.
Part VIII of the London County Council (General Powers) Act, 1908.	
Part II of the London County Council (General Powers) Act, 1924.	14 & 15 Geo. 5. c. lvii.
Part VI of the London County Council (General Powers) Act, 1925.	15 & 16 Geo. 5. c. cxix.
The London County Council (Ilford and Barking Drainage) Act, 1928.	18 & 19 Geo. 5. c. xcii.

THIRD SCHEDULE.

Section 168.

MAKING, SUBMISSION AND CONFIRMATION OF ORDERS AUTHORISING BOROUGH COUNCILS TO ACQUIRE LAND COMPULSORILY FOR THE PURPOSES OF PART VII OF THIS ACT.

1. An order authorising a borough council to acquire land compulsorily for the purposes of Part VII of this Act (in this Schedule referred to as "a compulsory purchase order") shall be in the prescribed form, shall specify the land to which it applies, and shall, for the purposes of the order, incorporate, subject as hereinafter provided and subject to any necessary adaptations, but without prejudice to the Acquisition of Land (Assessment of Compensation) Act, 1919,—

(1) the Lands Clauses Acts (except sections one hundred and twenty-seven and one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845); and 8 & 9 Vict. c. 20.

(2) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845,

and shall also contain such provisions as may be prescribed for the purpose of carrying the order into effect and of protecting the

3RD SCH. —*cont.*

council and the persons interested in the land to which the order applies:

Provided that for the purposes of this Schedule and of the order—

(*a*) references in the enactments incorporated in the order to "the special Act" shall be construed as references to this Act and to the order, and references in the said enactments to "the promoters of the undertaking" shall be construed as references to the borough council; and

(*b*) so much of section eighty-five of the Lands Clauses Consolidation Act, 1845, as relates to sureties shall not apply; and

(*c*) where any land to which the order applies is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of that land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the Ecclesiastical Leasing Acts, of land belonging to a benefice.

2. The council by whom a compulsory purchase order is submitted to the Minister shall, in such manner as may be prescribed,—

(*a*) publish the order; and

(*b*) give notice of the submission of the order both in the locality in which the land to which the order applies is situated and to the owners, lessees and occupiers of that land.

3. Where a compulsory purchase order is submitted to the Minister, he may, after holding such inquiries (if any) as he thinks fit, confirm the order either without modification or subject to such modifications as he thinks fit:

Provided that if, within the prescribed period, a person interested in any land to which the order applies gives notice to the Minister objecting to the acquisition of that land and specifying the grounds of his objection, then, unless the objection is withdrawn, the Minister shall forthwith cause a public inquiry into the objection to be held in the locality in which the land in

question is situate, and before confirming the order, shall consider the report of the person by whom the inquiry is held. 3rd Sch. —*cont.*

4. At any inquiry held under the proviso to the last foregoing paragraph in connection with a compulsory purchase order, the council by whom the order was submitted, and all persons interested in the land to which the order applies who have duly given notice of objection as aforesaid, shall be entitled to appear and be heard.

5. A compulsory purchase order shall come into operation if and when it is confirmed by the Minister, and such an order, when so confirmed, shall have effect as if enacted in this Act, and the confirmation by the Minister shall be conclusive evidence that the order has been duly made and is within the powers conferred by this Act.

6. In this Schedule the expression "prescribed" means prescribed by the Minister.

FOURTH SCHEDULE.

Section 173.

Charges for use of Public Baths and Wash-houses.

1. Baths for the labouring classes (every bath to be supplied with clean water for every person bathing alone, or for several children bathing together, and in either case with one clean towel for every bather).

For one person who has attained the age of eight years—

Cold bath, or cold shower bath, any sum not exceeding - - - - - -	one penny.
Warm bath, or warm shower bath, or vapour bath, any sum not exceeding -	twopence.

For several children under the age of eight years, not exceeding four, bathing together—

Cold bath, or cold shower bath, any sum not exceeding - - - - - -	twopence.
Warm bath, or warm shower bath, or vapour bath, any sum not exceeding -	fourpence.

2. Baths of any higher class. Such charges as the council think fit, not exceeding in any case three times the charges above mentioned for the several kinds of baths for the labouring classes.

4TH SCH. —*cont.*

3. Wash-houses for the labouring classes (every wash-house to be supplied with conveniences for washing and drying clothes and other articles).

For the use by one person of one washing tub or trough, and of a copper or boiler (if any), or, where one of the washing tubs or troughs is used as a copper or boiler, for the use of one pair of washing tubs or troughs, and for the use of the conveniences for drying—

For one hour only in any one day, any sum not exceeding - - - - - one penny.

For two hours together, in any one day, any sum not exceeding - - - - threepence.

Any time over the hour or two hours respectively, if not exceeding five minutes, not to be reckoned.

For two hours not together, or for more than two hours in any one day, such charge as the council think fit.

For the use of the washing conveniences alone, or of the drying conveniences alone, such charge as the council think fit, not exceeding in either case the charges for the use for the same time of both the washing and the drying conveniences.

4. Wash-houses of any higher class.

Such charges as the council think fit.

5. Open bathing places, where several persons bathe in the same water, for one person, one penny.

6. Covered swimming baths—

1st class - Any sum not exceeding eightpence for each person.

2nd class - Any sum not exceeding fourpence for each person.

3rd class - Any sum not exceeding twopence for each person.

FIFTH SCHEDULE.

Section 282.

PROVISIONS FOR SECURING THE ABATEMENT OF NUISANCES WHICH MAY BE DEALT WITH SUMMARILY.

1. In this Schedule, unless the context otherwise requires, the expression " nuisance to which this Schedule applies " means any matter which, by virtue of any of the provisions of this Act, is a nuisance which may be dealt with summarily under this Act, and the expression " smoke nuisance " does not include a smoke nuisance arising on a ship habitually used as a sea-going ship.

2. It shall be the duty of every officer of a sanitary authority, and of every relieving officer, to give, in accordance with the regulations of the authority whose officer he is, information to the sanitary authority of the existence in their district of any nuisance to which this Schedule applies.

It shall be the duty of the county council and of every sanitary authority to make regulations for the purpose of this paragraph.

3. A written intimation of the existence in the district of a sanitary authority of a nuisance to which this Schedule applies shall be served by an officer of the authority on a person who may be required to abate the nuisance, and it shall be the duty of the sanitary authority to give such directions to their officers as will secure that the intimation required by this paragraph is given as soon as may be.

4. A sanitary authority, upon receiving any information as to the existence in their district of a nuisance to which this Schedule applies shall, if satisfied of the existence of the nuisance, serve on the person by reason of whose act, default or sufferance the nuisance arose or continues, or (if that person cannot be found) on the occupier or owner of the premises on which the nuisance exists, a notice requiring him to abate the nuisance within the period specified in the notice, and to do such things as may be necessary for that purpose; and the notice may, if the sanitary authority think fit, specify any works to be executed for the purpose aforesaid:

Provided that, where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice aforesaid shall be served on the owner of the premises.

The sanitary authority may also, by a notice under the foregoing provisions of this paragraph or by further notice, require the person on whom the notice is served to do what is necessary for preventing the recurrence of the

5TH SCH. —*cont.*

nuisance to which the notice relates and, if they think it desirable, specify any works to be executed for that purpose, and a notice containing such a requirement may, notwithstanding that the nuisance to which it relates may for the time being have been abated, be served if the sanitary authority consider that the nuisance is likely to recur on the same premises.

A notice authorised to be served under this paragraph is in this Schedule referred to as "a nuisance notice."

5. Where the person causing a nuisance to which this Schedule applies cannot be found, and it is clear that the nuisance neither arose nor continues by reason of any act, default or sufferance on the part of the occupier or owner of the premises on which it exists, the sanitary authority may themselves abate the nuisance and may do what is necessary to prevent the recurrence thereof.

6. Where a nuisance notice is served on any person, then if either—

(*a*) the nuisance to which the notice relates arose by reason of the wilful act or default of that person; or

(*b*) that person fails to comply with any of the requirements of the notice within the period specified therein,

he shall (whether or not an order under the next following paragraph has been made in respect of him) be liable to a fine not exceeding, in a case where the notice relates to a smoke nuisance, fifty pounds or, in any other case, ten pounds.

7. Where a nuisance notice is served on any person, then if—

(*a*) that person fails to comply with any of the requirements of the notice within the period specified therein; or

(*b*) the nuisance to which the order relates, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to recur on the same premises,

the sanitary authority shall make a complaint to a petty sessional court, and the court hearing the complaint may make as respects the said person a summary order (in this Schedule referred to as "a nuisance order").

8. A nuisance order may be an abatement order, a prohibition order or a closing order, or a combination of such orders.

An abatement order may require a person to comply with all or any of the requirements of the nuisance notice in connection with which the order is made, or otherwise to abate the nuisance within the period specified in the order.

A prohibition order may prohibit the recurrence of a nuisance.

5TH SCH. —*cont.*

A closing order may prohibit the use of a dwelling-house for human habitation, and shall be made if, but only if, it is proved to the satisfaction of the court that, by reason of a nuisance, the dwelling-house is unfit for human habitation; and the court making a closing order may impose a fine not exceeding twenty pounds on the person as respects whom the order is made.

9. An abatement order or prohibition order shall, if the person as respects whom the order is made so requires or the court considers it desirable, specify the works to be executed by the said person for the purpose of abating, or preventing a recurrence of, the nuisance to which the order relates.

A petty sessional court, if satisfied that a dwelling-house in respect of which a closing order is in force has been rendered fit for human habitation, may declare that it is so satisfied and revoke the closing order.

10. Where two convictions for offences relating to the overcrowding of a house or part of a house in the district of a sanitary authority have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may, on the application of the sanitary authority, make an order directing that the house be closed for such period as the court thinks necessary.

11. Where a petty sessional court is satisfied that neither the person by reason of whose act, default or sufferance a nuisance to which this Schedule applies arose or continues, nor the owner nor the occupier of the premises on which such a nuisance exists, is known or can be found, any nuisance order made by the court with respect to that nuisance may be addressed to the sanitary authority, and, if so addressed, shall be executed by them.

12. If any person fails to comply with an abatement order, then, subject to the following provisions of this Schedule, he shall, unless he proves that he has used all due diligence to carry out the order, be guilty of an offence and liable to a fine not exceeding, in a case where the order relates to a smoke nuisance forty shillings, or in any other case twenty shillings, for every day on which the offence continues.

If any person knowingly and wilfully contravenes a prohibition order or a closing order, he shall, subject to the provisions of this Schedule relating to appeals, be guilty of an offence and liable to a fine not exceeding, in a case where the order relates to a smoke nuisance five pounds, or in any other case forty shillings, for every day on which the offence continues.

13. There shall be no appeal to quarter sessions against a nuisance order, unless it is or includes a prohibition order or a closing order or requires the execution of structural works.

5TH SCH. —*cont.*

14. In the event of an appeal to quarter sessions against a nuisance order, no person shall, by reason of any contravention of, or non-compliance with, the order, be liable to any fine until after the determination or abandonment of the appeal:

Provided that, if the appeal is dismissed or abandoned, the appellant shall be liable to a fine not exceeding, in a case where the order relates to a smoke nuisance forty shillings, or in any other case twenty shillings, for every day during which he has contravened or failed to comply with the order, unless he satisfies the court before which proceedings are taken for the recovery of the fine, that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay; and if the appeal is dismissed, the court of quarter sessions hearing the appeal may, on dismissing it, impose the fine as if it was a petty sessional court.

15. Where a person appeals to quarter sessions against a nuisance order, no work shall, save as hereinafter mentioned, be done under the order until after the determination or abandonment of the appeal:

Provided that, if the court by which the order was made is of opinion that the continuance of the nuisance to which it relates will be injurious or dangerous to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, that court may, notwithstanding that the appeal is pending, authorise the sanitary authority immediately to abate the nuisance; so, however, that—

(*a*) if the appeal is allowed, the sanitary authority shall pay to the person against whom the order was made the amount of any damage sustained by him by reason of the abatement of the nuisance by the authority; and

(*b*) if the appeal is dismissed or abandoned, the sanitary authority may recover from the said person the expenses incurred by them in abating the nuisance.

16. The sanitary authority—

(1) may, for the purpose of ascertaining whether any nuisance to which this Schedule applies exists on any premises, enter those premises at any hour by day or, in the case of a nuisance arising in respect of any business carried on in the premises, at any hour when that business is being, or is usually, carried on therein; and

(2) where such a nuisance as aforesaid has been ascertained to exist on any premises, or a nuisance order has been made in respect of a nuisance existing on any premises, may enter the premises at any hour by day or, in the

case of a nuisance arising in respect of any business carried on in the premises, at any hour when that business is being, or is usually, carried on therein, until the nuisance is abated, or the works required by the order to be executed are completed, or (in the case of a closing order) the order is revoked, as the case may be; and

(3) where a nuisance order in respect of any premises has been contravened or not complied with, may, for the purpose of executing the order, enter the premises at all reasonable hours, including hours during which business is being, or is usually, carried on in the premises.

The sanitary authority may enter the premises to which a nuisance order relates and may abate or remove the nuisance and do whatever is necessary in the execution of the order.

17. Any matter or thing removed by a sanitary authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance to which this Schedule applies, may be sold by public auction, or, if the authority think the circumstances of the case require it, may be otherwise sold, or may be disposed of without sale.

The money arising from the sale of any matter or thing under this paragraph may be retained by the sanitary authority and applied in payment of the expenses incurred by them in connection with the nuisance, and the surplus (if any) shall be paid, on demand, to the owner of the matter or thing.

18. Where a nuisance order is made, the reasonable expenses incurred in obtaining or enforcing the order or making the complaint upon which, or serving the nuisance notice in connection with which, the order was made, shall be deemed to be money paid for the use, and at the request,—

(*a*) of the person against whom the order was made, or

(*b*) if the order is addressed to the sanitary authority, of the person by whose act, default or sufferance the nuisance was caused.

Where, on any complaint under this Schedule, a nuisance order is not made, but the nuisance in respect of which the complaint is made is proved to have existed at the time when the nuisance notice relating thereto was served or the complaint was made, the reasonable expenses incurred in serving the notice or making the complaint shall be deemed to be money paid for the use, and at the request, of the person by whose act, default or sufferance the nuisance was caused.

5TH SCH. —*cont.*

Any sum recoverable by virtue of this paragraph from any person being the owner of any premises may be recovered from the owner for the time being of those premises.

19. Expenses recoverable by virtue of the last foregoing paragraph, and fines incurred by virtue of this Schedule in relation to a nuisance to which this Schedule applies, may be recovered either in a summary manner or in the High Court or county court; and where, in any proceedings against two or more persons in respect of such a nuisance, it is proved that the nuisance was caused by the acts, defaults or sufferance of more than one of those persons, the court before which the proceedings are taken may, in imposing any fine or making any order as to costs or expenses, apportion the amount of the fine or of the costs or expenses, in such proportions as the court thinks just, between the persons by whose acts, defaults or sufferance the nuisance was caused.

20. Complaint of the existence on any premises of a nuisance to which this Schedule applies may be made by any person to a petty sessional court, and thereupon the like proceedings shall be had, with the like incidence and consequence as to making of orders, fines for disobedience of orders, appeals and otherwise, as in the case of a like complaint by the sanitary authority:

Provided that the court, if it thinks fit—

(*a*) may adjourn the hearing or further hearing of the complaint for the purpose of having an examination made of the premises where the nuisance is alleged to exist, and may authorise any constable or other person to enter the premises for that purpose; and

(*b*) may authorise any constable or other person to do all necessary acts for enforcing any order made on the complaint, and to recover the expenses of so doing in a summary manner from the person as respects whom the order is made.

Any constable or other person authorised under this paragraph shall have the like powers and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the foregoing provisions of this Schedule to enter premises and do any acts thereon.

21. A sanitary authority may, if, in their opinion, summary proceedings would afford an inadequate remedy, cause proceedings to be taken against any person in the High Court for the abatement or prohibition of any nuisance to which this Schedule applies, or for the recovery of any fine from, or for the punishment of, any person offending under the provisions of this Schedule relating to such nuisances as aforesaid.

5TH SCH. —*cont.*

22. Where a nuisance to which this Schedule applies affecting the inhabitants of the district of a sanitary authority appears to be wholly or partly caused by some act, default or sufferance occurring outside their district (whether within or outside the county), the sanitary authority may take or cause to be taken against any person, in respect of that act, default or sufferance any proceedings in relation to nuisances authorised by this Schedule, as if the act, default or sufferance had occurred within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district within which the act or omission is alleged to have occurred.

For the purpose of proceedings which may be taken under this paragraph by a sanitary authority in respect of a nuisance wholly or partly caused by some act, default or sufferance occurring outside the county, the expression "nuisance to which this Schedule applies" in this paragraph shall be construed as including a nuisance within the meaning of the Public Health Act, 1875.

SIXTH SCHEDULE.

Section 302.

FORMS.

FORM A.

Form of Notice requiring Abatement of Nuisance.

To [*person by reason of whose act, default or sufferance the nuisance arose or exists, or owner or occupier of the premises at which the nuisance exists, as the case may be*].

Take notice that under the provisions of the Public Health (London) Act, 1936, the [*describe the sanitary authority*], being satisfied of the existence at [*describe premises where the nuisance exists*] of a nuisance, being [*describe the nuisance, for instance,* premises in such a state as to be a nuisance or injurious or dangerous to health, *or for further instance,* a ditch or drain so foul as to be a nuisance or injurious or dangerous to health], do hereby require you within [*specify the time*] from the service of this notice to abate the nuisance [and to execute such works and do such things as may be necessary for that purpose, *or* and for that purpose to *specify any works to be executed*], [and the said [*authority*] do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to &c.]

Where the nuisance has been abated, but is likely to recur, say, being satisfied that at &c. there existed recently, to wit, on or about the day of the following nuisance, namely [*describe nuisance*], and that although the said nuisance has since the last-mentioned day been abated, the

6TH SCH. —*cont.*

nuisance is likely to recur at the said premises, do hereby require you within [*specify time*], to do what is necessary for preventing the recurrence of the nuisance [and for that purpose to *&c.*].

If you make default in complying with the requirements of this notice [or if the said nuisance, though abated, is likely to recur], a summons will be issued requiring your attendance before a petty sessional court, to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of 19

Signature of officer of sanitary authority

FORM B.

Form of Summons in respect of Nuisances.

Summons.

To *A.B.* [*or* to the owner *or* occupier of] [*describe premises*] situated [*insert such description of the situation as may be sufficient to identify the premises*],

County of, &c., to wit. } YOU are required to appear before [*describe the petty sessional court*], at the court [*or* petty sessions] holden at on the day of next at the hour of in the noon, to answer the complaint this day made to me by that at the premises above mentioned [*or* at certain premises situated at No. in street *or insert any other such description or reference as may be sufficient to identify the premises*], in the district of [*describe the sanitary authority*], the following nuisance exists [*describe the nuisance and add, where the person causing the nuisance is summoned,* and that the said nuisance is caused by the act, default or sufferance of you, *A.B.*].

Where the nuisance is discontinued, but is likely to be repeated, say, to answer the complaint, *&c.* that at *&c.* there existed recently, to wit, on or about the day of , the following nuisance [*describe the nuisance, and add, where the person causing the nuisance is summoned,* and that the said nuisance was caused, *&c.*], and although the said nuisance has since the said last-mentioned day been abated or discontinued, that the same or the like nuisance is likely to recur at the said premises.

Given under my hand and seal this day of 19 .

J.S. (L.S.)

FORM C. 6TH SCH. —*cont.*

Form of Nuisance Order.

To *A.B.*, of [*or* to the owner *or* occupier of] [*describe premises*] situated [*insert such description of the situation as may be sufficient to identify the premises*].

County of, &c., to wit. { WHEREAS the said *A.B.* [*or* the owner *or* occupier of the said premises within the meaning of the Public Health (London) Act, 1936], has this day appeared before me [*or* us, *describing the court*] to answer the matter of a complaint made by *&c.* that at *&c.* [*follow the words of complaint in summons*] [*or in case the party charged do not appear, say*, Whereas it has been now proved to my (*or* our) satisfaction that a summons has been duly served according to the Public Health (London) Act, 1936, requiring the said *A.B.* [*or* the owner *or* occupier of the said premises] to appear this day before me [*or* us] to answer the matter of a complaint made by *&c.* that at *&c.*]:

[*Any of the following orders may be made or a combination of any of them, as the case seems to require.*]

Abatement order.

Now on proof here had before me [*or* us] that the nuisance so complained of does exist at the said premises [*add, where the order is made on the person causing the nuisance*, and that the nuisance is caused by the act, default or sufferance of *A.B.*], I [*or we*], in pursuance of the Public Health (London) Act, 1936, do order the said *A.B.* [*or* the said owner *or* occupier] within [*specify the time*] from the service of this order according to the said Act [*here specify the nuisance to be abated, as, for instance*, to prevent the premises being a nuisance or injurious or dangerous to health, or, *for further instance*, to prevent the ditch or drain being a nuisance or injurious or dangerous to health] [and *state any works to be executed, as, for instance*, to whitewash and disinfect the premises, *or, for further instance*, to clean out the ditch].

Prohibition order No. 1.

And I [*or* we] being satisfied that, notwithstanding that the said nuisance may be temporarily abated under this order, the nuisance is likely to recur, do therefore prohibit the said *A.B.* [*or* the said owner *or* occupier] from allowing the recurrence of the said or like nuisance [and for that purpose I *or* we direct the said *A.B. or* the said owner *or* occupier, *here specify any works to be executed, as for instance*, to fill up the ditch].

Prohibition order No. 2.

Now, on proof here had before me [*or* us] that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist at the said premises, but that the nuisance has since been abated [*add where the order is made on the person causing the nuisance*, and that the nuisance was caused by the act, default or sufferance of *A.B.*], yet, notwithstanding the abatement, I [*or* we] being satisfied

6TH SCH. —*cont.*

that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit [*continue as in Prohibition Order, No.* 1].

Closing order.

Now, on proof here had before me [or us] that the nuisance is such as to render the dwelling-house [*describe the house*] situated at [*insert such a description of the situation as may be sufficient to identify the dwelling-house*] unfit in my [*or* our] judgment for human habitation, I [*or* we] in pursuance of the Public Health (London) Act, 1936, do hereby prohibit the use of the said dwelling-house for human habitation.

Given under the hand and seal of me [*or* the hands and seals of us, *describing the court*].

This day of 19

J.S. (L.S.)
J.P. (L.S.)

FORM D.

Form of Nuisance Order to be executed by Sanitary Authority.

To the , [*describe the sanitary authority*],
County of, &c., to wit. } WHEREAS a complaint has been made by
that at certain premises situated at No. in street, [*or insert any other description or reference sufficient to identify the premises*] in the district of [*describe the sanitary authority*] the following nuisance exists [*describe the nuisance*].

And it has been now proved to my [*or* our] satisfaction that the nuisance exists, but that no owner or occupier of the premises, or person by whose act, default or sufferance the nuisance is caused, is known *or* can be found [*as the case may be*]; Now I [*or* we] in pursuance of the Public Health (London) Act, 1936, do [*continue as in any of the orders in Form C with the substitution of the name of the sanitary authority for that of A.B. or the owner or occupier*].

Given *&c.* (*as in last form*).

FORM E.

Warrant of Justice for Entry into Premises.

WHEREAS *A.B.*, being a person authorised under the Public Health (London) Act, 1936, to enter certain premises [*describe the premises*], has made application to me, *C.D.*, one of His Majesty's justices of the peace having jurisdiction in and for [*describe the place*], to authorise the said *A.B.* to enter the said premises, and whereas I, *C.D.*, am satisfied by information on oath that there is reasonable ground for entry, and that

6TH SCH. —*cont.*

there has been a refusal or failure to admit to the premises, and *either* that reasonable notice of the intention to apply to a justice for a warrant has been given, *or* that the giving of notice of the intention to apply to a justice for a warrant would defeat the object of the entry.

[*or* am satisfied by information on oath that there is reasonable cause to believe that there is on the said premises a contravention of the Public Health (London) Act, 1936, or of a byelaw made under that Act, and that an application for admission or notice of an application for a warrant would defeat the object of the entry.]

Now, therefore, I, the said *C.D.*, do hereby authorise the said *A.B.* to enter the said premises, and if need be by force, with such assistants as he may require, and there execute his duties under the said Act.

Given, &c. (*as in Form C*).

SEVENTH SCHEDULE.

Section 308.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
57 Geo. 3. c. xxix.	An Act for better paving, improving and regulating the streets of the Metropolis, and removing and preventing nuisances and obstructions therein.	Sections fifty-seven, sixty-two and seventy-seven.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section forty-one.
9 & 10 Vict. c. 74.	The Baths and Washhouses Act, 1846.	The whole Act except so far as it applies to the city.
10 & 11 Vict. c. 61.	The Baths and Washhouses Act, 1847.	The whole Act except so far as it applies to the city.
14 & 15 Vict. c. 28.	The Common Lodging Houses Act, 1851.	The whole Act.
16 & 17 Vict. c. 41.	The Common Lodging Houses Act, 1853.	The whole Act.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.	Sections sixty-eight to seventy-six; sections seventy-eight to eighty; sections eighty-two to eighty-seven; section eighty-nine; in section ninety-two the words "watering, cleansing"; in section one hundred the words from "and lay" to "a drain, channel, or gutter," the words "and drain, channel, or gutter" and the words "or do not lay down therein such drain, channel, or gutter"; section one hundred and sixteen; section one hundred and thirty-five; sections one hundred and thirty-seven and one hundred and thirty-eight; in section one hundred and forty the words "watering and cleansing," the words "or for the purposes of sewerage and drainage" and the words from "and it shall also be lawful" to the end of the section; in section one hundred and fifty the words from "and also to contract for the purchase" to "obstruction of sewerage or drainage" and the words "of cleansing sewers and drains and the other purposes"; in section one hundred and fifty-two the words from "save for enabling" to the end of the section; section one hundred and fifty-three; in section two hundred and two the words from "and for regulating the dimensions" to "proceeding thereon"; sections two hundred and four and two hundred and five; sections

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
		two hundred and eleven and two hundred and twelve; in section two hundred and thirty-seven the words "to all the provisions of this Act relating to sewerage and house drainage and"; in section two hundred and forty the words "to all the provisions of this Act relating to sewerage and house drainage, and"; in section two hundred and fifty the words from "except for the purpose" to the word "compulsorily" and the words from "the word 'drain'" to the end of the section; and Schedule (D).
21 & 22 Vict. c. 104.	The Metropolis Management Amendment Act, 1858.	The whole Act.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	Sections twenty-one and twenty-two; sections twenty-four and twenty-five; sections twenty-seven to twenty-nine; section thirty-two; sections forty-four to sixty-one; sections sixty-three and sixty-four; section sixty-six; sections sixty-eight and sixty-nine; in section eighty-one, the words "or draining"; section eighty-three; in section eighty-four the word "sewerage"; in section eighty-six the words "sewerage, drainage" and the words from "of constructing" to "therein or"; section eighty-eight; in section one hundred and twelve the words from "the word 'drain'" to the words "Commissioners of Sewers."
29 & 30 Vict. c. 90.	The Sanitary Act, 1866	Section forty-one.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
30 & 31 Vict. c. 134.	The Metropolitan Streets Act, 1867.	Section five.
34 & 35 Vict. c. 113.	The Metropolis Water Act, 1871.	Section thirty-three.
37 & 38 Vict. c. 89.	The Sanitary Law Amendment Act, 1874.	Sections forty-six and forty-nine.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section one hundred and eight the words from "any nuisance authority" to "or by"; in section one hundred and fifteen the words from "any nuisance authority" to "or by".
41 & 42 Vict. c. 14.	The Baths and Washhouses Act, 1878.	The following provisions, except so far as they apply to the city, that is to say:—in section one, the words from "The words" to the end of the section; sections two to four; sections nine to eleven; sections thirteen and fourteen; and the Schedule.
42 & 43 Vict. c. cxcviii.	The Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.	Section forty-three.
45 & 46 Vict. c. 30.	The Baths and Washhouses Act, 1882.	The whole Act except so far as it applies to the city.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Sections seventeen and eighteen.
52 & 53 Vict. c. 11.	The Sale of Horseflesh, &c., Regulation Act, 1889.	The whole Act.
53 & 54 Vict. c. 66.	The Metropolis Management Amendment Act, 1890.	Sections four and five; and in section eight the words "Except so far as relates to any sewers vested in the Council."
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act, 1890.	Section thirty-nine.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	The whole Act.
56 & 57 Vict. c. 47.	The Public Health (London) Act, 1891, Amendment Act, 1893.	The whole Act.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act, 1893.	Sections thirteen, twenty-three and twenty-five.
57 & 58 Vict. c. cxxiv.	The Local Government Board's Provisional Orders Confirmation (No. 12) Act, 1894.	In the Schedule, the County of London (Common Lodging Houses) Order, 1894.
57 & 58 Vict. c. ccxii.	The London County Council (General Powers) Act, 1894.	In the preamble, the third recital; and Part IV.
59 & 60 Vict. c. 59.	The Baths and Washhouses Act, 1896.	The whole Act except so far as it applies to the city.
59 & 60 Vict. c. clxxxviii.	The London County Council (General Powers) Act, 1896.	Section thirty-two.
60 & 61 Vict. c. 31.	The Cleansing of Persons Act, 1897.	The whole Act.
60 & 61 Vict. c. cclii.	The London County Council (General Powers) Act, 1897.	In the preamble, the seventh recital, and section fifty.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	In section five, subsection (1); in section six, subsection (4); in section thirty-four the words "the Baths and Washhouses Acts, 1846 to 1896"; in the Second Schedule, Part I.
62 & 63 Vict. c. 15.	The Metropolis Management Acts Amendment (Byelaws) Act, 1899.	Section two; in section three the words "of the byelaws under this Act, and"; and the Schedule except so far as it relates to byelaws under Section 202 of the Metropolis Management Act, 1855, for regulating the material of the pavement and roadway of new streets and roads.
1 Edw. 7. c. 22.	The Factory and Workshop Act, 1901.	In section one hundred and one, subsection (5).
2 Edw. 7. c. clxxiii.	The London County Council (General Powers) Act, 1902.	In the preamble the tenth and eleventh recitals; Parts VIII and IX; and the Schedule.
3 Edw. 7. c. clxxxvii.	The London County Council (General Powers) Act, 1903.	In the preamble, the seventh recital; and Part VIII.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
4 Edw. 7. c. ccxliv.	The London County Council (General Powers) Act, 1904.	In the preamble, the third, tenth and eleventh recitals; in section three the definition of the expression "the Corporation"; Part IV; sections forty-seven and forty-eight, and subsections (3) and (4) of section fifty-four.
7 Edw. 7. c. 40.	The Notification of Births Act, 1907.	In section one, subsection (6); in section two, in subsection (4) the words from "including the council" to "common council assembled," and subsection (5).
7 Edw. 7. c. clxxv.	The London County Council (General Powers) Act, 1907.	In section three, in subsection (2), the definitions of the expressions "tenement house" and "working class"; Part V; sections seventy-eight and seventy-nine.
8 Edw. 7. c. 67.	The Children Act, 1908.	The whole Act.
8 Edw. 7. c. cvii.	The London County Council (General Powers) Act, 1908.	In the preamble, the second recital; in section three the definitions of the expressions "the corporation", "sanitary authority", "daily penalty", "rag and bone dealer", "tenement house," and "working class"; Part II; section seventy-five; and subsections (3) and (4) of section seventy-nine.
9 Edw. 7. c. 17.	The Metropolitan Ambulances Act, 1909.	The whole Act.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c. Act, 1909.	In section sixty-eight, subsection (4); and in section seventy the words "except "subsection (4) of section "sixty-eight" and the words from "and, in the application" to the end of the section.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Edw. 7. c. cxxx.	The London County Council (General Powers) Act, 1909.	In section three the definitions of the expressions "the corporation," "sanitary authority," "daily penalty," "tenement house," and "working class"; Part III; sections fifty-eight, fifty-nine and sixty-six; and subsections (3) and (4) of section seventy.
10 Edw. 7. & 1 Geo. 5. c. cxxix.	The London County Council (General Powers) Act, 1910.	In the preamble, the third recital; in section four, the definitions of the expressions "sanitary authority," and "the Act of 1891"; and Part IV.
1 & 2 Geo. 5. c. 52.	The Rag Flock Act, 1911.	In section one, subsections (1) to (5), in subsection (6) paragraphs (*a*) and (*b*) and in paragraph (*c*) the words "any other sanitary authority, namely," and subsection (7).
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Section sixty-four.
1 & 2 Geo. 5. c. lxiii.	The London County Council (General Powers) Act, 1911.	In the preamble, in the seventh recital the words "public lavatories, sanitary conveniences, and"; in section thirteen, in subsection (1) the words "lavatories, sanitary conveniences and" and the words from "and may make" to the end of the subsection, subsections (2) and (3), in subsection (4) the words "lavatories, "sanitary conveniences, "and", in subsection (5) the words "lavatories, "sanitary conveniences "and", and subsections (7) to (9); and section fifteen.
3 & 4 Geo. 5. c. 23.	The Public Health (Prevention and Treatment of Disease) Act, 1913.	Sections two to four.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. ci.	The London County Council (General Powers) Act, 1913.	In the preamble, the third recital; and section fifteen.
5 & 6 Geo. 5. c. 64.	The Notification of Births (Extension) Act, 1915.	Section one.
5 & 6 Geo. 5. c. 66.	The Milk and Dairies (Consolidation) Act, 1915.	In section twenty, subsections (1) and (4); and in the Fifth Schedule the words "and "the Public Health "(London) Act, 1891" and the words "The Public "Health (London) Act, "1891, sections sixty-nine "and seventy-one."
5 & 6 Geo. 5. c. ciii.	The London County Council (General Powers) Act, 1915.	In section sixty-four, the word "sewering."
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five.
8 & 9 Geo. 5. c. 29.	The Maternity and Child Welfare Act, 1918.	Sections one and two, and in section three the words from "and the purposes" to "1891."
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act, 1919.	In section three, in subsection (1), paragraph (*f*).
10 & 11 Geo. 5. c. lxxxix.	The London County Council (General Powers) Act, 1920.	In the preamble, the first recital; and Part II.
11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	Sections one, two, three and six.
11 & 12 Geo. 5. c. 23.	The Public Health (Officers) Act, 1921.	In section seven, subsection (1), and in subsection (2) the words "Save as provided by this section"; and in section nine the words "except so far as it relates "to the administrative "county of London."
12 & 13 Geo. 5. c. lxii.	The London County Council (General Powers) Act, 1922.	In the preamble, the second and third recitals; in section four the definitions of "sanitary authority," "district," "house," "owner," "rack rent" and "vermin"; Part III; and subsection (2) of section nineteen.

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925.	In section six, in subsection (2) the words from "and as soon as" to the end of the subsection.
15 & 16 Geo. 5. c. 71.	The Public Health Act, 1925.	In section two, in subsection (1) the words "save as "expressly provided in this "Act," and in subsection (4) the words "inclusive "of the administrative "county of London"; and in subsection (3) of section eighty-seven the words "proviso (*a*) or (*c*) "to section two of the Baths "and Washhouses Act, "1896, or".
15 & 16 Geo. 5. c. 76.	The Expiring Laws Act, 1925.	In Part I of the First Schedule, in column 3, the words "Section five, except paragraph (*a*)".
15 & 16 Geo. 5. c. cxix.	The London County Council (General Powers) Act, 1925.	In subsection (1) of section thirty-four the words from "the sewering" to "at large or".
16 & 17 Geo. 5. c. 43.	The Public Health (Smoke Abatement) Act, 1926.	In section one, subsections (2), (3) and (4); in section two, subsections (1) and (2), and in subsection (3) the words "and of the Public "Health (London) Act, "1891, as the case may "be"; in section three the words "section twenty-"four of the Public Health "(London) Act, 1891"; in section five the words "and of the London Coun-"ty Council under section "one hundred and sixty-"four of the London Build-"ing Act, 1894"; sections eight, ten and eleven; in section twelve, in subsection (1) the words "except so "far as it relates to Lon-"don" and the words

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
		from "and the Public "Health (London) Act, "1891" to the end of the subsection, and in subsection (2) the words "and the other provisions "of this Act in their ap- "plication to London shall "be construed as one with "the Public Health (Lon- "don) Act, 1891" and the words from "Provided that" to the end of the subsection.
16 & 17 Geo. 5. c. 48.	The Births and Deaths Registration Act, 1926.	In section nine, paragraph (*b*).
16 & 17 Geo. 5. c. xiv.	The Hackney Borough Council Act, 1926.	In section fifty-two, in subsection (1), the words "or "into any sewer or gully "therein" and the words "or choke up such sewer or gully"; and section fifty-five.
16 & 17 Geo. 5. c. xcviii.	The London County Council (General Powers) Act, 1926.	Sections forty-two, forty-four and forty-five.
17 & 18 Geo. 5. c. 38.	The Nursing Homes Registration Act, 1927.	The whole Act.
17 & 18 Geo. 5. c. xxii.	The London County Council (General Powers) Act, 1927.	In section three the definition of the expression "the corporation"; sections fifty-two to fifty-five; section sixty-one; and subsection (2) of section sixty-seven.
18 & 19 Geo. 5. c. 39.	The Rag Flock Act (1911) Amendment Act, 1928.	The whole Act.
18 & 19 Geo. 5. c. lxxvii.	The London County Council (General Powers) Act, 1928.	In the preamble, the second recital; in section three the definitions of the expressions "the corporation" and

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
		"the overseers", in the definition of the expression "the town clerk" the words "of the City of London or", and the definitions of the expressions "sanitary authority", "medical officer" and "the district"; Parts III and IV; section thirty-two; in subsection (1) of section thirty-eight the words "or into any sewer or gully therein" and the words "or choke up such sewer or gully"; in section sixty the words "the corporation or the overseers or" in each place where those words occur; in section sixty-one the words from "Medical" to "drains"; in subsection (1) of section sixty-three the words "the corporation or" where those words first occur, the words "of the corporation or", and the words "as the case may be"; in section sixty-five the words "the corporation or the overseers or", wherever those words occur, and the words "as the case may be"; in section sixty-six the words "the corporation or the overseers or" wherever those words occur; and subsections (2) and (4) of section seventy.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Subsections (1) and (2) of section fourteen; section sixteen; in section eighteen, paragraph (*d*), in paragraph (*e*) the words "under the "Public Health (London) "Act, 1891", and in paragraph (*f*) the words from "any expenses" to "Council and"; in section

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
		fifty-nine, in subsection (1), the words "and the Public Health (London) Act, 1891", and subsection (2); in the Third Schedule, paragraph 3; and in the Tenth Schedule, in paragraph 26, sub-paragraph (*a*).
19 & 20 Geo. 5. c. lxxxvii.	The London County Council (General Powers) Act, 1929.	Section sixty and the Third Schedule.
20 & 21 Geo. 5. c. clix.	The London County Council (General Powers) Act, 1930.	In subsection (2) of section seventeen the words from "The Baths and Washhouses Act, 1896" to "swimming baths"; and sections fifty-four and sixty-two.
22 & 23 Geo. 5. c. 28.	The Public Health (Cleansing of Shell-fish) Act, 1932.	Section one, so far as it confers powers on the county council or a sanitary authority; in section four, in subsection (2) the words from "and the Public Health (London) Acts" to the end of the subsection; and in subsection (3) the words from "and, in its application to London" to the end of the subsection.
22 & 23 Geo. 5. c. 46.	The Children and Young Persons Act, 1932.	Part V; sections seventy-seven and eighty-seven; and the Second Schedule.
22 & 23 Geo. 5. c. lxx.	The London County Council (General Powers) Act, 1932.	Part II; sections eighteen to twenty; and subsections (2) to (4) of section twenty-four.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In section ninety-eight, in subsection (1), the words "or under Part I of the Children Act, 1908."
23 & 24 Geo. 5. c. xxviii.	The London County Council (General Powers) Act, 1933.	Section sixty-six.
24 & 25 Geo. 5. c. xl.	The London County Council (General Powers) Act, 1934.	In section twenty-seven, subsection (5).

7TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
25 & 26 Geo. 5. c. xxxiii.	The London County Council (General Powers) Act, 1935.	In section three, in subsection (1), the definition of "the common council"; section sixty-seven; and in section seventy, the words "or other sanitary authority"; and in section seventy-five, subsections (2) and (4).
26 Geo. 5. & 1 Edw. 8. c. lx.	The London County Council (General Powers) Act, 1936.	Section forty-three.

CHAPTER 51.

An Act to consolidate the Housing Acts, 1925 to 1935, and certain other enactments relating to housing. [31st July 1936.]

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.

LOCAL AUTHORITIES FOR PURPOSES OF THIS ACT.

Local authorities for purposes of this Act.

1.—(1) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects England and Wales other than the administrative county of London shall be the council of the borough, urban district or rural district.

(2) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects the administrative county of London shall be,—

(*a*) as respects the City of London, the Common Council;