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An Act to consolidate and amend the Law relating to the Public Health in *Scotland*.

[15th *August* 1867.]

WHEREAS it is expedient to consolidate and amend the Laws applicable to *Scotland* for Removal of Nuisances, for Prevention of Diseases, and for Sanitary Purposes generally: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as the "Public Health (*Scotland*) Act, 1867." Short Title.

2. From and after the First Day of *November* One thousand eight hundred and sixty-seven, the Nuisances Removal (*Scotland*) Act, 1856, except Part V. thereof, Sections 441 to 447, both inclusive, of the General Police and Improvement (*Scotland*) Act, 1862, and also the Sewage Utilization Act, 1865, and the Sanitary Act, 1866, so far as these Two last-mentioned Acts apply to *Scotland*, 19 & 20 Vict. c. 103., except Part V., Sections 441 to 447 inclusive of 25 & 26 Vict. c. 101., 28 & 29 Vict. c. 75., and

29 & 30 Vict. c. 90. repealed.

Scotland, are repealed: Provided always, that all Proceedings commenced or taken under the said Acts or any of them, in so far as hereby repealed, and not yet completed, may be proceeded with under the said Acts or any of them, or under this Act; and all Orders in Council, and all Directions and Regulations issued by the Board of Supervision under the said Acts or any of them, and all Appointments made, and all Contracts or Works undertaken, and generally all Claims, Rights, and Liabilities, Civil or Criminal, constituted or existing under the said Acts, before the passing of this Act, with the Remedies and Proceedings applicable thereto under the said Acts or this Act, shall continue and be as effectual as if the said Acts had not been repealed; and where in any Enactments of any Act, General or Local, which shall continue in force after the Commencement of this Act, any of the Acts or Parts of Acts hereby repealed is cited or referred to, such Enactments shall be interpreted as if this Act were cited or referred to therein, and as if the Provisions of this Act were substituted for the Provisions hereby repealed.

Interpretation of certain Terms.

3. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meaning is inconsistent with the Context:

The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in *Scotland*:

The Word "Secretary" shall include Assistant Secretary:

The Expression "Medical Officer" shall signify a duly qualified Medical Practitioner appointed under the Act Eighth and Ninth *Victoria*, Chapter Eighty-three, or under this Act:

The Word "Sheriff" shall include Sheriff Substitute:

The Word "Burgh" shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, Burgh of Barony, and Burgh of Regality, but also any populous Place having a Town Council, Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act:

The Word "Magistrate" shall include a Magistrate or Judge having Police Jurisdiction under the General Police and Improvement (*Scotland*) Act, 1862, or under any General or Local Police Act which may be in force:

The Word "Decree" or "decern" shall include any Warrant, Sentence, Judgment, Order, or Interlocutor:

The Word "Owner" shall signify the Person for the Time entitled to receive, or who would, if the same were let, be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property

Property shall apply to the Persons to whom the Management thereof is intrusted:

The Word "Ship" shall include any Sailing or Steam Ship, Vessel, or Boat:

The Word "Premises" shall include Lands, Buildings, Structures of any kind, Streams, Lakes, Drains, Ditches, or Places open, covered, or inclosed, and any Ship, lying in any Sea, River, Harbour, or other Water, or *ex adverso* of any Place within the Limits of the Local Authority:

The Word "Person," and Words applied in this Act to any Person or Individual, shall apply to and include Women, Corporations, Clubs, Societies, Statutory Boards or Commissioners, Joint Stock Companies, Partnerships, Joint Owners, and Joint Occupants, and Trustees:

The Word "Company" shall apply to and include Commissioners:

The Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both:

The Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Fourpence *per* Night for each Person, whether the same be payable nightly or weekly, or at any Period not longer than a Fortnight, or where the House is licensed to lodge more than Twelve Persons:

The Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

4. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special Purposes herein-after mentioned, be incorporated with and form Part of this Act, and shall be herein-after referred to as "The Lands Clauses Acts." 8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.

PART I.

Local Authority and Board of Supervision.

5. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *Scotland*: Local Authorities, as herein-named, to execute this Act.

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned,—the Town Council:

In Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act,—the Police Commissioners or Trustees:

In

In any Parish, or Part thereof, over which the Jurisdiction of a Town Council or of Police Commissioners or Trustees exercising the Functions of Police Commissioners does not extend,—the Parochial Board of such Parish:

Board of Supervision to determine the Local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.

Provided always, that where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, and of a Parochial Board, or of any Two or more of such Bodies, the Board, if Application be made to them by any of these Bodies, or by any Person having Interest, may, if they see fit, determine which of the said several Bodies shall be the Local Authority within the whole Limits or within any Portion of such Parish, and the Board may from Time to Time recal or vary such Determination; and provided further, that all Determinations already made under the Fifth Section of the Nuisances Removal (*Scotland*) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Where District in more than One County.

6. Where any Parish or Burgh shall be situated in more than One County, the Board shall, on Application being made to them by any Person having Interest, determine in which One of such Counties such Parish or Burgh shall be held to be situated for the Purposes of this Act, whose Decision shall be final; and the Jurisdiction and Powers of Magistrates, Justices, and Sheriffs, and the Powers of their Officers under this Act, shall be regulated accordingly, and the Board may from Time to Time recal or vary such Determination; provided always, that all Determinations already made under the Fifth Section of the Nuisances Removal (*Scotland*) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

Local Authorities to be Bodies Corporate. Committees may be appointed.

7. The Local Authorities shall respectively be Bodies Corporate, designated by such Names as they may usually bear or adopt, with Power to sue and be sued in such Names, and to hold Lands for the Purposes of this Act; and the Local Authority may appoint any Committee or Committees of their own Body to receive Notices, to take Proceedings, and in all or certain specified respects to execute this Act, whereof Two shall be a Quorum, unless a larger Quorum be specified in their Appointment; and such Local Authority or their Committee, thereto duly authorized, may, by Minute or other Writing signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority; and the Local Authority shall have Power to commence or carry on all Proceedings commenced, or which might have been commenced before the passing of this Act, by the Local Authority under any of the before repealed Acts, and shall be vested with all Property

Property or pecuniary Claims so vested in such last-mentioned Local Authority.

Local Authority to appoint Sanitary Inspectors and other Officers.

8. The Local Authority may, and where it shall be thought necessary by the Board for the Purposes of this Act the Local Authority shall, appoint a Sanitary Inspector or Inspectors, who shall be also Inspector or Inspectors of Common Lodging Houses, and a Medical Officer or Medical Officers, and may make Byelaws for regulating the Duties of such Inspectors and Medical Officers, which Byelaws shall not be effectual until they are approved of by the Board; and the Local Authority shall appoint convenient Places for their Offices, and shall allow to every such Inspector or Medical Officer on account of his Employment a proper Salary; and if no such Inspector or Medical Officer is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit; and the Names and Addresses and Salaries of the said Inspectors and Medical Officers shall be reported by the Local Authority to the Board immediately on such Persons being appointed and such Salaries fixed; and the said Inspectors and Medical Officers shall be bound to make such Returns and Special Reports to the Board as the Board shall require them to make; and the said Inspectors shall be removable from Office only by the Board, except in the Case where the Local Authority is the Town Council or Police Commissioners or Trustees in any Burgh in *Scotland* having a Local Act for Police Purposes, or having a Population of Ten thousand or upwards according to the Census last taken, in which Case the Inspectors shall be removable from Office by the Local Authority.

Powers of the Board to require Returns and examine Witnesses.

9. It shall be lawful for the Board, upon written Application by Two or more Parties interested or upon the Report of any of their Inspecting Officers, to inquire into the Sanitary Condition of any Parish in *Scotland*, or into the Sanitary Condition of any Burgh in *Scotland* not having a Local Act for Police Purposes, or not having a Population of Ten thousand or upwards according to the Census last taken, and also in these Two latter Cases with the Consent of One of Her Majesty's Principal Secretaries of State, after duly considering any Representation which may be made to him by any Town Council, stating that such Consent ought not in the Case of such Burgh to be given; and for this Purpose the Board are hereby empowered to make Inquiries, and require Answers or Returns to be made to the Board upon any Question or Matter connected with or relating to the Purposes of this Act, and also by a Summons, signed by One of their Number

or by the Secretary, to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production upon Oath of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or, in lieu of requiring such Oath as aforesaid, the Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Power to Board to authorize Special Inquiries to be made.

10. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for *Scotland*, to authorize and empower for a limited Time One of the Members thereof to conduct any Special Inquiry in any Part of *Scotland*, and to report thereon to the Board; and such Member so authorized and empowered shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the Board of all Expenses necessarily incurred by him in conducting such Inquiry, and such Expenses shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the General Expenses of the Board are now defrayed.

Power to Board to appoint Commissioners for conducting Special Inquiries.

11. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State or of Her Majesty's Advocate for *Scotland*, or whenever the Board may be thereunto required by One of Her Majesty's said Secretaries of State or by Her Majesty's Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor or Engineer, or Two of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any Special Inquiry for a limited Period, and to report thereon; and the Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry all such of the Powers of the Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any

any Special Inquiry shall, before he enter on the Execution of his Duties, take an Oath De fideli administratione officii, which Oath may be administered to him by any Member of the Board, or by any One of the Judges of the Court of Session, or by the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary or of any Member of the Board to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the Board for all Expenses necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as they shall name.

Power to Board to allow Expenses of Witnesses, &c.

12. It shall be lawful for the Board, in any Case where they see fit, to order and allow such Expenses of Witnesses, and such Expenses of or concerning the Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board, or Member thereof, or Commissioner or Commissioners, as such Board may deem reasonable; and such Expenses so ordered and allowed shall be deemed Part of the Expenses attending the Execution of this Act, and be defrayed in the same Manner as the general Expenses of this Board are now defrayed.

Penalties on Parties giving false Evidence or refusing to obey Summons of the Board.

13. If any Person, upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence, he shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the Board, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the Board, or Member thereof, or Commissioner or Commissioners, or shall wilfully neglect or disobey any of the Orders of the Board, or Member or Commissioner, or be guilty of any Contempt of the Board, or Member or Commissioner, such Person being thereof lawfully convicted, shall forfeit and pay for the First Offence any Sum not exceeding Five Pounds, for the Second and every subsequent Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Power to Board to appoint Clerks, &c.

14. The Board are hereby empowered from Time to Time to appoint all such Officers and Clerks as they shall deem necessary, and

and from Time to Time, at the Discretion of the Board, to remove such Officers and Clerks, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Officers and Clerks shall from Time to Time be regulated by the Commissioners of Her Majesty's Treasury; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal, if no Notice to the contrary be received by the Board within Twenty-one Days from the Day of the Date of such Intimation.

Salaries of Legal Members of Board.

15. The Sheriffs of *Perth*, *Renfrew*, and *Ross* and *Cromarty* shall each receive, so long as they act as Members of the Board of Supervision, the Sum of One hundred and fifty Pounds Sterling *per Annum*, and such Allowance shall come in place of the Allowance of One hundred Pounds Sterling provided to the said Sheriffs by the Act Eighth and Ninth of Her Majesty, Chapter Eighty-three, Section Four.

PART II.

Removal of Nuisances.

Description of Nuisances under this Act.

16. The Word "Nuisance" under this Act shall include—

(*a.*) Any Insufficiency of Size, Defect of Structure, Defect of Ventilation, Want of Repair or proper Drainage, or suitable Watercloset, or Privy Accommodation or Cesspool and any other Matter or Circumstance rendering any inhabited House, Building, Premises, or Part thereof, injurious to the Health of the Inmates or unfit for Human Habitation or Use:

(*b.*) Any Pool, Watercourse, Ditch, Gutter, Drain, Sewer, Privy, Urinal, Cesspool, or Ashpit so foul as to be injurious to Health, or any Well or other Water Supply used as a Beverage or in the Preparation of Human Food, the Water of which is so tainted with Impurities or otherwise unwholesome as to be injurious to the Health of Persons using it, or calculated to promote or aggravate epidemic Disease:

(*c.*) Any Stable, Byre, Pigstye, or other Building in which any Animal or Animals are kept in such a Manner as to be injurious to Health:

(*d.*) Any Accumulation or Deposit of Manure or other offensive Matter within Fifty Yards of any Dwelling House within the Limits of any Burgh, or wherever situated, if injurious

to

to Health, or any Accumulation of Police Manure within a Quarter of a Mile of the Municipal Boundaries of any Burgh (excepting the City of *Glasgow*), or any Accumulation of Deposits from Ashpits or Manure from Town or Village laid nearer than Fifty Yards to a Public or Parish Road or Dwelling House:

(*e.*) Any Work, Manufactory, Trade, or Business injurious to the Health of the Neighbourhood, or so conducted as to be offensive or injurious to Health, or any Collection of Bones or Rags injurious to Health:

(*f.*) Any House or Part of a House so overcrowded as to be dangerous or injurious to the Health of the Inmates:

(*g.*) Any Factory, Workshop, or Workplace, not under the Operation of any General Act for the Regulation of Factories or Bakehouses, and not kept in a cleanly State, or 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, and injurious or dangerous to the Health of Persons employed therein, or any such Factory, Workshop, or Workplace as is so overcrowded, while Work is carried on therein, as to be dangerous or injurious to the Health of those employed therein:

(*h.*) Any Fireplace or Furnace which does not as far as practicable consume the Smoke arising from the combustible Matter used in such Fireplace or Furnace, and is used within any Burgh, for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever:

(*i.*) Any Chimney (not being the Chimney of a private Dwelling House) sending forth Smoke so as to be injurious to Health:

Provided that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date of the passing of this Act:

(*j.*) Any Churchyard, Cemetery, or Place of Sepulture so situated or so crowded with Bodies or otherwise so conducted as to be offensive or injurious to Health.

Power of Entry to Local Authority or their Officers.

17. If the Local Authority or Sanitary Inspector have reasonable Grounds for believing that Nuisance exists in any Premises, such Local Authority or Inspector may demand Admission for themselves, the Superintendent of Police, and the Medical Officer, or

or any other Person or Persons whom the Local Authority may desire to inspect such Premises, or for any or all of them, to inspect the same at any Hour between Nine in the Morning and Six in the Evening, or at any Hour when the Operations suspected to cause the Nuisance are in progress or are usually carried on; and if Admission be refused, the Local Authority or Sanitary Inspector may apply to the Sheriff, or to any Magistrate or Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Sheriff, Magistrate, or Justice may, with or without Intimation to the Owner, Occupier, or Person in charge of the Premises, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority and others foresaid; and if such Occupier or Person refuse or fail to obey such Order, he shall on Conviction of such Offence be liable to a Penalty not exceeding Five Pounds; and on being satisfied of such Failure or Refusal, the Sheriff, Magistrate, or Justice may grant Warrant to such Person or Persons for immediate forcible Entry into the Premises; and if no such Occupier or Person can be discovered, or if no Person is found on the Premises to give or refuse Admission, the Local Authority or their Officers may enter the Premises without any Order or Warrant, and forcibly, if need be.

Proceedings by Local Authority when Nuisances are ascertained to exist.

18. In any Case where the Existence of a Nuisance is ascertained to their Satisfaction by the Local Authority, or is certified to them in Writing, signed by the Medical Officer, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff or to any Magistrate or Justice, by summary Petition in manner herein-after directed, and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance as herein-after mentioned; provided that in the Cases under the Heads marked (*e.*) and (*g.*) in Section Sixteen such Application shall be made only on Medical Certificate as aforesaid, or on a Requisition in Writing under the Hands of any Ten Inhabitants of the District of the Local Authority, and that in these Cases, and the Cases under the Heads marked (*h.*) and (*i.*) in said Sections, shall be made only to the Sheriff; and farther, that in the Cases under the Head marked (*j.*) in Section Sixteen it shall not be necessary to cite any Person as the Author of the Nuisance, but such Application shall be proceeded with by the Sheriff (to whom alone it shall be made) after such Intimation to the Collector

of the Churchyard or other Dues, or to such other Person as to the Sheriff shall seem meet; and such Person or Persons as shall appear after such Intimation shall, if the Sheriff think proper, be allowed to be heard and to object to such Application in the same Manner as if he or they were the Author of the alleged Nuisance within the Meaning of this Act.

Form of Interlocutor.

19. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance or Owner of the Premises may be ordained to provide sufficient Privy or Watercloset or Ashpit Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to floor, pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to shut up or purify any Well, or to provide a Substitute for that complained of, or to abstain from any Operation which may pollute a Well or Stream from which the Inhabitants obtain a Supply of Water, or to cease to use the Water of any Well or Stream as a Beverage or in the Preparation of Human Food, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof (according to the Nature of the Case), or to limit the Number of Persons who may be accommodated in any House or Part thereof overcrowded, or the Number of separate Dwellings into which such House or Part thereof may be divided or let for the Use of separate Families or Persons, or to increase the Means of Ventilation, or to shut up or regulate the Use of any Churchyard, Cemetery, or Place of Sepulture, or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate, or Justice is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or do otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose, or do otherwise as the Case may in his Judgment require.

Penalty for Contravention of Decree and of Interdict.

20. If the said Decree be not complied with in good and sufficient Manner, and within the Time appointed, the Author of the Nuisance, or the Owner, as the Case may be, shall be liable, in the Case of Nuisances specified in Clauses (*a.*), (*b.*), (*c.*), (*d.*), (*f.*), (*i.*), and

and (*j.*) in Section Sixteen of this Act, to a Penalty of not more than Ten Shillings *per* Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such Infringement; and in the Case of Nuisances specified in Clauses (*e.*), (*g.*), and (*h.*) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance (*h.*), that if it appears to the Sheriff that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination upon condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

21. When it shall appear to the Sheriff, Magistrate or Justice that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may appoint such Works to be carried out under the Direction and subject to the Approval of any Person he may appoint; and he may, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

22. In case of Noncompliance with or Infringement of any Decree aforesaid, the Sheriff, Magistrate, or Justice may, on Application by the Local Authority, grant Warrant to such Person or Persons as he may appoint, to enter the Premises to which such Decree relates, and abate or remedy the Nuisance thereby condemned or prohibited, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered from the Author of the Nuisance or the Owner of the Premises.

23. Any

Manure, &c. to be sold.

23. Any Article or Articles removed by the Local Authority in pursuance of this Act may be sold by Public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, or in which the Article or Articles are not of the Value of Two Pounds or upwards, in which Case the Sheriff, Magistrate, or Justice may, by Writing under his Hand, order the immediate Removal, Sale, or Destruction of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied *pro tanto* in Payment of all Expenses incurred under this Act with reference to such Nuisance; and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing; and the Balance of such Expenses shall be defrayed, if such Proceeds are insufficient for that Purpose, by the Author of the Nuisance or the Owner of the Premises.

Foul Ditches, &c. may be replaced by Sewers.

24. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any public Road, Street, or Lane shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required, subject to the Approval of the Board, to lay down such Sewer or other Structure within the Limits of their District, or, where necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to keep the same in good and serviceable Repair; and they may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct: Provided always, that no Damage shall be payable to any Person who has caused or contributed to cause such Watercourse, Ditch, Gutter, or Drain to become foul or offensive, unless such Person shall satisfy the Sheriff that he had justifiable excuse for so doing; and such Local Authority are hereby authorized and empowered to assess the Owners of all the Premises (according to the yearly Value thereof) from which then or at any Time thereafter any Material other than pure Water flows, falls, or is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, as they shall think just and reasonable, and after Fourteen Days Notice at the least left with the said Owners, if resident within the District, and if not so resident with the Occupiers of the said Premises, to levy and collect the Sums so assessed, with the same Remedies

in case of Default in Payment thereof as are herein-after provided with reference to the general Charge and Expenses incurred by the Local Authority under this Act.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

25. Nothing in this Act contained shall enable any Local Authority or other Person to injuriously affect—

(1.) The Irrigation of Lands in a rural District, or the Supply of Water used for such Irrigation;

(2.) The Supply of Water required for the Purposes of any Waterworks established by Act of Parliament, or of the Compensation Water required to be given by the Owners of such Waterworks, unless the Local Authority shall have previously obtained the Consent of such Owners;

(3.) The Navigation on or Use of any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin in respect of which any Persons are by virtue of any Act of Parliament entitled to take Tolls or Dues, or the Supply of Water to the same, or any Bridges crossing the same, or any Towing-path thereon;

Provided always, that it shall not be lawful for the Local Authority to execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, Locks, Reservoirs, or Basins without the Consent in Writing in every Case of the Persons entitled by virtue of any Act of Parliament to take Tolls or Dues in respect thereof, and such Persons may at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Inspector to the Local Authority, take up, divert, or alter the Level of any Sewers and Drains, Culverts or Pipes, constructed by any Local Authority, and passing under or interfering with such Rivers, Canals, Docks, Harbours, Reservoirs, or Basins, or the Towing-paths thereof, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Penalty on Sale of unwholesome Meat.

26. The Sanitary Inspector may at all reasonable Times enter any Premises to inspect and examine any Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized without any Warrant; and if it appear to the Sheriff, or any Two Magistrates or Justices, that any such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables are unfit for the Food of Man, he or they shall, by a Writing under his or their Hand or Hands, order the same to be destroyed,

or

or to be so disposed of as to prevent the same being exposed for Sale or used for such Food; and the Person to whom such Carcass, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belong, or in whose Custody the same are found, shall be liable to a Penalty not exceeding Ten Pounds for such Carcass, Piece of Meat or Flesh, or for any Quantity of Fish, Poultry, Game, Fruit or Vegetables, or any Refuse thereof, and also to pay all Expenses caused by the Seizure, Detention, or Disposal thereof.

Penalty for causing Water to be corrupted by Gas Washings, &c.

27. Any Person engaged in the Manufacture of Gas, Naphtha, Vitriol, Paraffine, or Dye Stuffs, or any other deleterious Substance, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, Well, or Pond, or Place for Water, constructed or used for the Supply of Water for domestic Purposes, or into any Pipe or Drain communicating therewith, any Product, Washing, or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture whereby the Water in any such Stream, Reservoir, Aqueduct, Well, Pond, or Place for Water shall be fouled, and any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Well, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Such Penalties, &c. to be sued for within Six Months.

28. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Product, Washing, or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, or if there be no such Person, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

29. In addition to the said Penalty (and whether such Penalty shall have been recovered or not), the Person so offending shall forfeit a Sum not exceeding Five Pounds (to be recovered in the like Manner) for each Day during which such Product, Washing, or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person by

by the Local Authority, or by the Person into whose Water such Product, Washing, or other Substance shall be brought or flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to the Local Authority or Person from whom such Notice shall proceed; and all Monies recovered by the Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Offensive Trades to be subject to Regulations.

30. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Skinner, Tallow Melter, Tripe Boiler, or other Business, Trade, or Manufacture injurious to Health, shall not, after the passing of this Act, be newly established or enlarged in any Building or Place within any Burgh or Village, or within Five hundred Yards therefrom, without the Consent in Writing of the Local Authority previously had and obtained, and published in One or more Newspapers circulating within the District; and if any Question arises under this Section as to the Existence or Limits of a Burgh or Village, or as to the Extent included within the said Five hundred Yards, or as to whether a Business, Trade, or Manufacture, other than those above specified, is injurious to Health, or as to whether such Consent ought to have been given, any such Question shall be finally determined by the Board; and the Party dissatisfied may bring the same before the Board within Twenty-one Days after the Resolution or Order of the Local Authority has been published as aforesaid; and any Person contravening this Enactment shall, in addition to Discontinuance of such Business, Trade, or Manufacture, be liable for each Offence to a Penalty not exceeding Fifty Pounds, and a further Penalty of not exceeding Forty Shillings for each Day during which the Offence is continued; and the Local Authority may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

PART III.

Prevention and Mitigation of Diseases under Order in Council.

Privy Council empowered to issue

31. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable

Honourable Privy Council, or any Three or more of them (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One), may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part III. hereof be put in force in *Scotland*, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *Edinburgh Gazette*, and such Publication shall be conclusive Evidence of such Order.

Orders for Prevention of Diseases.

32. When any such Order has been issued, the Board shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in *Scotland*, other than *Renfrew*, *Perth*, or *Ross* and *Cromarty*, to be an additional Member of the Board during the Subsistence of such Order, and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred and fifty Pounds *per Annum*, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a General or Superintending Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks and the Office Expenses incurred under this Act shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

When Order is issued, Board to be vested with certain Powers.

Power to appoint a Medical Officer and additional Clerks.

33. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention and Mitigation of Disease shall, for the

Power to Board to issue Regulations to carry out such Provisions of Order.

Local Extent and Duration of the Regulations of the Board.

the Time being, be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall, under such Order, be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the *Edinburgh Gazette*, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

34. Every Order of Her Majesty's Privy Council, and Direction and Regulation of the Board under Part III. of this Act, shall be laid before both Houses of Parliament forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be provided for by such Regulations.

35. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House to House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

For any such Matters or Things as may to them appear advisable for preventing or mitigating such Diseases:

Local Authority shall execute Regulations, and may direct Prosecution for violating the same.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations, and such wilful Violation or Neglect shall be deemed to be an Offence under this Act.

Power for Local Authority, &c. to enter Premises.

36. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter at reasonable Times in the Daytime and inspect any Premises where they have Ground for believing that any Person has recently died of any such Disease,

or

or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

37. When any such Order of Council is in force in any Place, on the Certificate of a Sanitary Inspector, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Ports and Arms of the Sea.

38. All Orders of Council for executing this Act shall extend to Ports and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue, under the said Orders, Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease in Ships and Vessels, as well upon Arms and Ports of the Sea aforesaid as upon inland Waters.

PART IV.

General Prevention and Mitigation of Disease.

Power to provide Hospitals

39. The Local Authority may provide within their District Hospitals or temporary Places for the Reception of the Sick, for the Use of the Inhabitants.

Such Authority may build such Hospitals or Places of Reception, provided the Board approve of the Situation and Construction thereof, or they may make Contracts for the Use of any existing Hospital or Part of an Hospital, or for the temporary Use of any Place for the Reception of the Sick.

Such Authority may enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of their District, on Payment by the Local Authority of such annual or other Sum as may be agreed upon.

Two or more contiguous Local Authorities having respectively the Power to provide separate Hospitals may combine in providing a Common Hospital, provided the Board approve of the Situation and Construction thereof, and all Expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act, and if any Question shall arise as to the Allocation of Expenses,

penses, the same shall be determined by the Board, whose Decision shall be final; and such Common Hospital shall be deemed to be for the Purposes of this Act an Hospital within the District of each of the Local Authorities so combining.

Power to provide Means of Disinfection, and Carriages for Conveyance of infected Persons.

40. The Local Authority in each District may provide a proper Place, with all necessary Apparatus and Attendance, for Disinfection of Woollen or other Articles, Clothing, or Bedding which have become infected, and they may cause any Articles brought for Disinfection to be disinfected free of Charge; and it shall be lawful at all Times for the Local Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any Person therein or otherwise to a Hospital or Place for the Reception of the Sick or to his own Home; and farther, if the Local Authority shall be of opinion, upon the Certificate of any legally qualified Medical Practitioner, that the cleansing and disinfecting of any House or Part thereof, and of any Articles therein likely to retain Infection, would tend to prevent or check contagious or infectious Disease, it shall be the Duty of the Local Authority to give Notice in Writing, requiring the Occupier or Owner of such House or Part thereof to cleanse and disinfect the same; and if the Person to whom Notice is so given fail to comply therewith within the Time specified in the Notice, he shall be liable to a Penalty not exceeding One Pound for every Day during which he continues to make default; and the Local Authority shall cause such House or Part thereof to be cleansed and disinfected, and may recover the Expenses incurred from the Occupier or Owner; and when such Occupier or Owner is from Poverty or otherwise unable, in the Opinion of the Local Authority, effectually to carry out such cleansing and Disinfection, the Local Authority may, at their own Expense, cleanse and disinfect such House or Part thereof, and any such Articles therein.

Local Authority may erect public Water-closets, &c.

41. The Local Authority may erect such public Waterclosets, Privies, and Urinals, and in such Situations, as they may think fit, and may defray the Expense thereof, and of keeping the same in Repair and in good Order, and shall cause such Privies to be cleansed daily; and the Local Authority may also, by written Notice to the Owner or Occupier of any Schoolhouse or of any Factory or Building in which more than Ten Persons are employed at One Time in any Manufacture, Trade, or Business, require them or either of them, within a Time specified, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person failing

failing to comply with such Notice shall be liable for each Offence in a Penalty not exceeding Twenty Pounds.

Removal of Persons sick of infectious Disorders, and without proper Lodging, in any District.

42. Where a Hospital or Place for the Reception of the Sick is provided or exists within the District of a Local Authority, the Sheriff or any Magistrate or Justice may, on the Application of the Local Authority, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Local Authority, of any Person suffering from any dangerous, contagious, or infectious Disorder, and being without proper Lodging or Accommodation, or lodged in a Room occupied by others besides those in attendance on such Person, or being on board any Ship or Vessel, or may direct the Removal from the Room occupied by such Person of all others not in attendance on him, the Local Authority providing suitable Accommodation for such other Persons.

Places for the Reception of dead Bodies may be provided at the Public Expense.

43. Any Local Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided, and any dead Body of One who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, the Sheriff or any Magistrate or Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order by a Writing under his Hand the Body to be removed to such proper Place of Reception at the Cost of the Local Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the Duty of the Local Authority to bury such Body; and it shall also be the Duty of the Local Authority to bury any dead Body found within the District, and which is unclaimed, or which no sufficient Person undertakes to bury; but any Expense so incurred in regard to any such Burial may be recovered by the Local Authority in a summary Manner from any Person legally liable to pay the Expense of such Burial.

Burial of dead Bodies.

In Burghs, &c., the Local Authority may make Regulations as to Lodging Houses, with Consent of the Board.

44. The Local Authority having Jurisdiction under this Act in any Burgh or populous Place containing, according to the Census last taken, a Population of not less than One thousand Inhabitants, may, after Publication of the proposed Regulations in One or more Newspapers circulating in the District for One Month,

Month, make, with Consent of the Board, Regulations for all or any of the following Matters; that is to say,

1. 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 more than One Family:
2. For the Registration of Houses thus let or occupied in Lodgings;
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State:
4. For enforcing therein the Provision of Privy Accommodation, or Watercloset Accommodation, and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the Common Passages and Staircases:
5. For the cleansing and limewhiting at stated Times of such Premises:
6. For the Enforcement of the above Regulations by Penalties not exceeding Forty Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a Default in obeying such Regulations may continue.

Rules as to underground Dwellings.

45. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever, or any Vault or underground Room (not being entirely open on one or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet in the Case of Houses built prior to the passing of this Act, or less in Height than Eight Feet in the Case of Houses built subsequently to the passing hereof, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset or Privy and Ashpit, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room being an inner or back Vault or Cellar let or occupied along with a front Vault or Room, as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the passing of this Act),

Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Local Authority have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Local Authority to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the District; and it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room.

Penalty on letting underground Dwellings.

46. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Cases in which Two Convictions have occurred within Three Months.

47. Where Two Convictions against the Provisions of this Act relating to the overcrowding of any House, or the Occupation of any Cellar, Vault, or underground Room as a separate Dwelling Place, shall have taken place within the Period of Three Months, whether the Person so convicted were or were not the same, it shall be lawful for the Sheriff or any Magistrate or Justice to direct the closing of such Premises for such Time as he may deem necessary, and, in the Case of Cellars occupied as aforesaid, to empower the Local Authority to permanently close the same in such Manner as they may deem fit.

Penalty on Person suffering from infectious Disorder entering public Conveyance without notifying to Driver that he is so suffering.

48. If any Person suffering from any infectious Disorder shall enter, or any Person in charge of a Person so suffering shall place such Person in, any Steamboat, Sailing Vessel, Railway Carriage, Stage Coach, Hackney Carriage, or other public Conveyance without previously notifying to the Owner or Person in charge thereof that such Person is so suffering, the Person so contravening this Provision shall, on Conviction thereof before any Sheriff, Magistrate, or Justice, be liable to a Penalty not exceeding Five Pounds; and no Owner or Person in charge of any public Conveyance shall be bound to convey any Person so suffering.

Penalty on any Person, with infectious Dis-

49. Any Person suffering from any infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the

order, exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of One so suffering who so exposes the Sufferer, and any Owner or Person in charge of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Person in charge, conveyed any such Sufferer, and any Person who, without previous Disinfection, knowingly gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall, on Conviction of such Offence before the Sheriff or any Magistrate or Justice, be liable to a Penalty not exceeding Five Pounds: Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.

Penalty on Persons letting Houses in which infected Persons have been lodging.

50. If any Person knowingly lets any House, Room, or Part of a House in which any Person suffering from any infectious Disorder has been to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner, as testified by a Certificate given by him, and lodged with the Sanitary Inspector or other Person appointed to perform the Duties of Sanitary Inspector, such Person shall be liable to a Penalty not exceeding Twenty Pounds. For the Purposes of this Section the Keeper of an Inn or Hotel shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn or Hotel.

Removal of Manure in Mews, &c.

51. Where Notice has been given by the Local Authority or their Officer or Officers for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises (whether such Notice shall be by public Announcement in the Locality or otherwise), and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Local Authority or their Officer or Officers shall direct, he or they shall be liable, without further Notice, to a Penalty of not exceeding Twenty Shillings *per* Day for every Day during which such Manure or other refuse Matter shall be permitted to accumulate, such Penalty to be recovered in a summary Manner.

Provision as to Ships within the

52. Any Ship lying in any River, Harbour, or other Water shall be subject to the Local Authority of the District within or *ex adverso*

adverso of which such River, Harbour, or other Water is situate, and to the Sheriff, Magistrates, and Justices of the Peace having Jurisdiction in such District, and shall be within the Provisions of this Act in the same Manner as if such Ship were a House within such District, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of this Act to be the Occupier of such Ship; but this Section shall not apply to any Ship belonging to Her Majesty or to any Foreign Government.

Jurisdiction of Local Authority.

53. For the Purposes of this Act, any Ship that is in a Place within Three Miles of the Coasts of *Scotland*, and not within the District of a Local Authority, shall be deemed to be within the District of such Local Authority as may be prescribed by the Board, and until a Local Authority has been prescribed then of the Local Authority whose District nearest adjoins the Place where such Ship is lying, the Distance being measured in a straight Line.

Provision as to District of Local Authority extending to Places where Ships are lying.

54. Whenever, in compliance with any Regulation of the Board which they may be empowered to make under this Act, any Medical Officer shall perform any Medical Service on board of any Ship, such Medical Officer shall be entitled to charge extra for any such Service, at the general Rate of his Allowance for his Services for the Parish or Place for which he is appointed, and such Charges shall be payable by the Person in charge of the Ship, on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Medical Officer, he shall be entitled to charge for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rates as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid, the Medical Officer or Practitioner may bring an Action against the Person in charge of such Ship for the same, and the Ship, Cargo, and Tackle thereof shall be subject to a Lien for the Amount of such Charges.

Medical Officer of Parish to be allowed to charge for attending Sick on board any Ship, and to be paid by Captain.

55. Any Local Authority may, with the Sanction of the Board, lay down Rules for the Removal to any Hospital to which such Authority are entitled to remove Patients, and for keeping in such Hospital so long as may be necessary, any Persons brought within their District by any Ship who are infected with an infectious Disorder, and they may by such Rules impose any Penalty not exceeding Five Pounds on any Person committing any Offence against the same.

Power to remove to Hospital sick Persons brought by Ships.

56. Every

Description of Ships within Provisions of 6 G. 4. c. 78., and Power to reduce Penalties imposed. thereby.

56. Every Ship having on board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King *George* the Fourth, Chapter Seventy-eight, intituled *An Act to repeal the several Laws relating to Quarantine, and to make other Provisions in lieu thereof*, although such Ship has not commenced the Voyage, or has come from or is bound for some Place in the United Kingdom; and nothing in this Act contained shall interfere with or prevent the Execution of any Orders, Regulations, or Restrictions to be made by the Lords and others of Her Majesty's Privy Council pursuant to the said Act; and any Expenses incurred by any Local Authority in carrying into effect such Orders, Regulations, or Restrictions shall be deemed to be Expenses incurred by them in carrying into effect this Act; and all Penalties imposed by the said Act of the Sixth Year of King *George* the Fourth, Chapter Seventy-eight, may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.

Power to defray Cost of Vaccination in certain Cases.

57. The Local Authority may defray the Cost of vaccinating such Persons as to them may seem expedient, not being Paupers or the Children of Paupers, or Persons ordered to be vaccinated in Terms of the Eighteenth Section of the Act Twenty-six and Twenty-seven *Victoria*, Chapter One hundred and eight.

Power to provide Grounds for public Recreation.

58. The Local Authority may provide, maintain, lay out, and improve Grounds for public Recreation, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

PART V.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

59. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the District of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein, and in each Apartment thereof; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character,

Character, in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate; and the Local Authority may, from Time to Time, on the Approval of the Board, raise or diminish the Sum payable *per* Night, according to which, as herein-before mentioned, it is ascertained whether a House or Part thereof is a Common Lodging House, but so as not to exceed Sixpence *per* Night.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

60. From and after the Date when this Act shall come into operation, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided; and if any Person shall contravene this Enactment he shall be guilty of an Offence under this Act.

Evidence of Register.

61. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be *primâ facie* Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded, or Proof of the Signature; and every Person applying at a reasonable Time shall be furnished by the Person having such Charge with a certified Copy of any such Entry for Payment of Twopence.

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses, to take effect when confirmed by the Board.

62. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction for the well ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may, by any such Rules and Regulations, impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority; and

and the said Local Authority may alter or repeal any such Rules and Regulations: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by the Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Common Lodging Houses.

63. All such Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Common Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of One Penny each for the same; and a Copy of such Rules and Regulations, purporting to be signed by the Secretary of the Board, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.

64. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied

plied with accordingly, the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses.

65. The Keeper of a Common Lodging House shall from Time to Time, if required by any Order of the Local Authority served on such Keeper, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

66. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, where different from the Local Authority, and on the Certificate of the Medical Officer of the Parish, or of any qualified Medical Practitioner, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may pay to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

67. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof either to the Medical Officer or to the Inspector of Common Lodging Houses, or the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith inform the Local Authority and the Medical Officer that such Notice has been received, and thereupon the Medical Officer shall forthwith visit and report on the Case.

As to Inspection of Common Lodging Houses.

68. The Keeper of a Common Lodging House shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House and every Part thereof.

As to cleansing of Common Lodging Houses.

69. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Wall, Ceilings, Privies, Ashpits, Cesspools, and Drains thereof, to the Satisfaction of the Inspector, and so often as shall be required

by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, lime-wash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every Year, and at such other Times as the Local Authority may by Special Order appoint or direct.

Conviction for Third Offence, &c. to disqualify Persons from keeping Common Lodging Houses.

70. Where a Keeper of a Common Lodging House is convicted of a Third or any subsequent Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Offence that he shall not, at any Time within Five Years, or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART VI.

Sewers, Drains, and Water Supply.

Sewers to be vested in Local Authority.

71. All Sewers presently existing within a District, and not being private Property, or not being and continuing under the Management of Persons appointed by the Crown or by Act of Parliament, shall be vested in the Local Authority: Provided always, that nothing in this Act contained shall affect the Rights of any Person or Persons to the Property or Management of any Sewers in virtue of any existing Local or General Police Statute.

Power to purchase Sewers.

72. The Local Authority may, in Terms of the Lands Clauses Acts, acquire the Rights and Powers vested in any Person to make Sewers, or to use any Sewer, with or without the Buildings and other Things thereto pertaining; provided that they shall make Compensation for the Rights so acquired, and shall also make Compensation to the Proprietors and Occupiers of any Lands and Heritages which may be damaged by reason of the Exercise of the Powers hereby conferred, in Terms of the said last-mentioned Acts.

Power to make Sewers.

73. The Local Authority shall have Power to construct within their District, and, also when necessary for the Purpose of Outfall or Distribution of Sewage, without their District, such Sewers as they may think necessary for keeping their District properly cleansed

cleansed and drained, and may carry such Sewers through, across, or under any Turnpike or other Road, or any Street or Place, or under any Cellar or Vault which may be under the Foot Pavement or Carriageway of any Street or Road, and after reasonable Notice in Writing (if upon the Report of Surveyor it should appear to be necessary), into, through, or under any Lands whatsoever, and from Time to Time to enlarge, lessen, alter, arch over or otherwise improve, or to close up or destroy all Sewers vested in them, provided no Nuisance is created by such Operations; and if any Person is thereby deprived of the lawful Use of any Sewer, the Local Authority shall provide another sufficiently effectual for his Use. The Local Authority shall cause their Sewers to be so constructed, kept, and cleansed as not to be a Nuisance, and for the Purpose of cleansing and emptying them may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, or other Works as may be necessary, and may cause such Sewers to communicate with and be emptied into such Places as may be fit and necessary either within their District, or, if necessary for the Purpose of Outfall or Distribution of Sewage, without their District, and to cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance.

Sewers to be cleansed.

74. The Local Authority may from Time to Time, for the Purpose of utilizing Sewage, agree with any Person as to the Supply of such Sewage or the Distribution thereof over Land, and as to the Works to be made for the Purpose of such Supply or Distribution, and as to the Parties to execute the same and to bear the Costs thereof, and as to the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Five Years, unless with the Authority of the Board, and not for any Period exceeding Twenty-five Years; and the Local Authority may contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage.

Powers of utilizing Sewage.

75. In case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, making or repairing, altering or enlarging Sewers or Drains, or other Purposes ancillary to the Powers herein given as to Sewers and Drains, and the Owner or Occupier of Premises refuses or withholds Access and Leave to perform the said Operations, the Local Authority may apply to the Sheriff, who, if no sufficient Cause be shown to the contrary, shall grant Warrant to the Local Authority, their Officers and others thereby authorized,

Power of Entry.

authorized, to enter and do all or any of the Works or Operations foresaid.

Formation of Special Drainage District.

76. Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Drainage District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against the Resolution to the Sheriff, and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution, and if he disapproves thereof he may either find that no Special Drainage District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Drainage District should be formed and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff.

Power to drain into Sewers of Local Authority.

77. Any Owner or Occupier of Premises within the District of a Local Authority liable for General or Special Sewerage or Drainage Assessment shall be entitled to cause his Drains to empty into the Sewers of such Local Authority, on condition of his giving Twenty Days previous Notice of his Intention so to do to the Local Authority, and of complying with their Regulations in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Local Authority to superintend the making of such Communications.

Use of Sewers by Persons beyond District.

78. Any Owner or Occupier of Premises beyond the Limits of the District of a Local Authority or within said Limits who is not liable for General or Special Sewerage or Drainage Assessment may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Authority, upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Local Authority, or, in case of Dispute, shall be settled by the Sheriff.

79. Every

Penalty for making unauthorized Drains.

79. Every Person not being authorized by the Local Authority who shall make any Drain into any Sewer vested in the Local Authority shall be liable in a Penalty not exceeding Five Pounds besides shutting up said Drain or paying the Expense of shutting it up.

Estimates for Work.

80. Before entering into any Contract for executing any such Work as herein-before or after mentioned, falling under Part VI. of this Act, or connected with Sewage or Drainage, if the Expense thereof may exceed Thirty Pounds, the Local Authority shall procure from a Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair; and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Not to build over Sewers.

81. Unless with Consent of the Local Authority, no Building shall be erected over any Sewer belonging to the Local Authority, and no Vault, Arch, or Cellar shall be made so as to interfere with any such Sewer.

Sewers to be trapped.

82. All Sewers and Drains, whether public or private, shall be provided by the Persons to whom they severally belong, with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench or deleterious Exhalation.

Distilleries, &c. to deposit Refuse.

83. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or injurious to the Health of those living in the Vicinity thereof, or to use the best practical Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, Sewer, or other Channel.

Drain discharging below High-water Mark.

84. If the Local Authority shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Board of Trade, (without Prejudice to any Question as to the Right to the Foreshores,) to construct the requisite Works for that Purpose.

As to the Drainage of Houses.

85. If a Dwelling House, Distillery, Manufactory, or other Work, or any Erection, or Enclosure for the keeping of Live Stock within the District of a Local Authority is without a Drain, or without such Drain as is sufficient for effectual Drainage, the

Local Authority may, by Notice, require the Owner of such House, Distillery, Manufactory, Work, Erection, or Enclosure, within a reasonable Time therein specified, to make a sufficient Drain emptying into any Sewer which the Local Authority are entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One hundred Feet from the Site of the said Premises of such Owner; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, as the Local Authority may direct; and if the Person on whom such Notice is served fails to comply with the same, the Local Authority may, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner.

Power of borrowing for Sewers.

86. It shall be lawful for the Local Authority to borrow for the Purpose of making, enlarging, or constructing Sewers, and on the Security of the after-mentioned Special Sewer Assessments, where such exist, and General Assessments, or either of them, such Sums of Money, and at such Times, as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Sewer Assessments and General Assessments or any of them in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences or Assignations and Discharges thereof may be in or near to the Forms contained in the Schedule hereto annexed, and such Bonds shall be signed by the Chairman and Two Members of the Local Authority, and shall constitute a Lien over the Special Sewer Assessments and General Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Special and General Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Assessments assigned; and the Money so borrowed shall be repayable either in One Sum or by Instalments as may be arranged between the Local Authority and the Lender, but so that the same shall be wholly repaid, together with the accruing Interest, within Thirty Years from the Date of the Loan, but the Amount of such Loans, including Interest, shall form a Charge against the Assessments of the Years intervening between the Date of such Loans and the Date of full Repayment in equal Proportions; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, and re-constructing Sewers, and to no other Purpose whatsoever.

87. Two

Local Authorities may combine.

87. Two or more Local Authorities may, with the Sanction of the Board, combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Sewerage or Drainage that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

Supply of Water for Burghs above 10,000.

88. With respect to Burghs having a Population of Ten thousand or upwards according to the Census last taken, or having a Local Act for Police Purposes, it shall be lawful for the Local Authority, if they think it expedient so to do, to contract or arrange with any Water Company established by Act of Parliament for a Supply of Water, or, where there is no such Company, themselves to provide a Supply of Water, to such Extent as may be necessary for the sanitary and other public Purposes of this Act herein-before provided.

Supply of Water for Burghs under 10,000.

89. With respect to the Improvement of Burghs having a Population of less than Ten thousand, according to the Census last taken, and not having a Local Act for Police Purposes, and with respect to Parishes (exclusive of any Parts of such Parishes as are situated within the District of any Local Authority other than the Parochial Boards of such Parishes),—

(1.) The Local Authority, if they think it expedient so to do, may acquire and provide or arrange for a Supply of Water for the domestic Use of the Inhabitants, and for that Purpose may conduct Water from any Lake, River, or Stream, may dig Wells, make and maintain Reservoirs, may purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, Pipes, and Premises, and do and execute all such Works, Matters, and Things as shall be necessary and proper for the aforesaid Purpose, and may themselves furnish a Supply of Water, or contract or arrange with any other Person to furnish the same; and for the Purposes aforesaid the Local Authority shall be held to have all the Powers and Rights given to Promoters of Undertakings by the Lands Clauses Acts: Provided always, that they shall make reasonable Compensation for the Water so taken by them, and for the Damage which may be done to any Lands by reason of the Exercise of the Powers hereby conferred in Terms of the said Acts; and further, that for the Purposes of this Act the Words "Lands" and "Land" in the said Acts and in this Act shall

shall include "Water" and the Right thereto: Provided also, that it shall not be lawful for the Local Authority to provide or supply Water in any Burgh, Parish, or District which any Company, established by Act of Parliament, is authorized to supply with Water, unless the Local Authority shall previously have purchased or acquired the Undertaking of such Company:

House without Supply of Water.

(2.) If any House within the District is without a proper Supply of Water at or near the same, the Local Authority shall compel the Owner to obtain such Supply, and to do all such Works as may be necessary for that Purpose:

Water for Baths, &c.

(3.) The Local Authority, if they have any surplus Water after fully supplying what is required for domestic Purposes, may supply Water from such Surplus to any public Baths and Wash-houses, or for trading or manufacturing Purposes, on such Terms and Conditions as may be agreed on between the Local Authority and the Persons desirous of being so supplied: Provided, that when Water is thus supplied from such Surplus, it shall not be lawful for the Local Authority to charge the Parties obtaining the same both with the Special Water Assessment and also for the Supply of Water obtained by them; but the Local Authority may either charge the Special Water Assessment leviable on such Premises, or charge for the Supply of Water furnished to the same, as they shall think fit:

Cisterns, &c. to be supplied with Water.

(4.) The Local Authority may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, and may, if they shall think fit, provide and gratuitously supply Water for any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Burgh Rates:

Special Water Supply District.

(5.) Upon Requisition to that Effect made in Writing by not fewer than Ten Inhabitants of the District, the Local Authority shall be bound to meet, after Twenty-one clear Days Notice, and shall consider the Propriety of forming Part of their District into a Special Water Supply District, and the Resolution of the Local Authority at such Meeting shall be published in One or more Newspapers circulating in the District; and the Production of such Newspaper, or a Certificate under the Hand of the Chairman or acting Clerk of the Local Authority (whose Signature need not be proved), shall be sufficient Evidence of such Resolution; and within Ten Days after the Date of such Resolution it shall be competent for any Person interested to appeal against

against the same to the Sheriff; and the Sheriff, not being a Sheriff Substitute resident within the District, may either approve or disapprove of such Resolution; and if he disapproves thereof he may either find that no Special Water Supply District should be formed, or may enlarge or limit the Special District as defined by the Resolution of the Local Authority, or may find that a Special Water Supply District should be formed, and may define the Limits thereof; and the Decision of the Sheriff shall be binding upon the Local Authority, and shall be final, except where it is pronounced by a Sheriff Substitute, in which Case it may be appealed to the Sheriff:

Power to borrow for Water Supply.

(6.) It shall be lawful for the Local Authority to borrow for the Purpose of constructing, purchasing, enlarging, or reconstructing such Works as are herein authorized for providing a Supply of Water for the Use of the Inhabitants of the District, or for the Purpose of entering into and implementing any Contract or Arrangement with any Person for such Supply, and on the Security of the after-mentioned Special Water Assessments, where such exist, and of General Assessments, or either of them, such Sums of Money and at such Times as the Local Authority shall deem necessary for that Purpose, and to assign the said Special Water Assessments and General Assessments, or either of them, in Security of the Money to be so borrowed; and the Bonds to be granted on such borrowing and Transferences or Assignations and Discharges thereof may be in or near to the Forms contained in the Schedule hereto annexed; and such Bonds shall constitute a Lien over the Assessments thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Local Authority out of the first and readiest of the said Assessments; but no Member or Officer of the Local Authority shall be personally liable for the Repayment of such Money so borrowed, and all such Obligations shall be deemed and taken to be granted on the sole Security of the Assessments thereby assigned, and the Money so borrowed shall be repayable either in One Sum or by Instalments as may be arranged between the Local Authority and the Lender, but so that the same shall be wholly repaid, together with the accruing Interest, within Thirty Years from the Date of the Loan; but the Amount of such Loans, including Interest, shall form a Charge against the Assessments of the Years intervening between the Date of such Loans and the Date of full Repayment

in equal Proportions; and the Money so borrowed as aforesaid shall be applied wholly in defraying the Expense of purchasing, making, enlarging, and re-constructing such Works, and to no other Purpose whatsoever.

Regulations as to the Purchase of Land, &c.

90. The following Regulations shall be observed with respect to the Purchase and taking of Land otherwise than by Agreement by Local Authorities for the Purposes of this Act:

(1.) The Local Authority before putting in force any of the Powers of the said Lands Clauses Acts with respect to the Purchase and taking of Land shall

Publication of Notices.

Publish once at the least, in each of Three consecutive Weeks in the Month of *November* in some Newspaper circulated in the District or some Part of the District within which such Local Authority has Jurisdiction is situate, an Advertisement describing shortly the Purpose for which the Land is proposed to be taken, naming a Place where a Plan of the proposed Works may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further in the Month of *December*

Service of Notices.

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

By Delivery of the same personally to the Party on whom it is required to be served, or, if such Party is absent abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a Registered Letter addressed to the usual or last known Place of Abode of such Party:

Power to Local Board to petition Secretary of State upon Matters herein stated.

(2.) Upon compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Authority may, if they shall think fit, present a Petition to One of Her Majesty's Principal Secretaries of State; the Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice;

it

it shall pray that the Local Authority may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Acts with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

Secretary of State may direct Inquiry;

(3.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land without the Consent of the Owners, Lessees, and Occupiers thereof:

and may make Provisional Order.

(4.) After the Completion of the Inquiry as last aforesaid, the Secretary of State may, by Provisional Order, empower the Local Authority to put in force, with reference to the Land referred to in such Order, the Powers of the said Lands Clauses Acts with respect to the Purchase and taking of Land otherwise than by Agreement, or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the Duty of the Local Authority to serve a Copy of any Order so made in the Manner and upon the Person in which and upon whom Notices in respect of such Land are hereinbefore required to be served:

No Provisional Order valid until confirmed by Parliament.

(5.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament:

Costs how to be defrayed.

(6.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Assessment or Special Water Supply Assessment levied in the District or Special Water Supply District, as the Case may be, to which such Order relates, and

and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Loans from Public Works Loan Commissioners.

91. The Public Works Loan Commissioners as defined by "The Public Works Loan Act, 1853," may advance to the Commissioners mentioned in the One hundred and ninety-sixth Section of "The Police and Improvement (*Scotland*) Act, 1862," for the Purposes mentioned in that Section, and upon the Security therein mentioned, and to any Local Authority for the Purposes mentioned in Part VI. of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State.

Execution and Maintenance of Works as to Water Supply.

92. Two or more Local Authorities may combine together for the Purpose of executing and maintaining any Works by this Act authorized in regard to Water Supply that may be for the Benefit of their respective Districts; and all Monies which they may agree to contribute for the Execution and Maintenance of such Common Works shall, in the Case of each Local Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District.

PART VII.

Assessments.

Special Drainage Assessment.

93. Where any Special Drainage District has been formed as herein-before provided, the Expense of the Sewerage and Drainage incurred by the Local Authority within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Sewerage Purposes as herein-before provided, shall be paid out of a Special Assessment which the Local Authority shall raise and levy on and within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority.

94. With

Assessments in Burghs under 10,000

94. With respect to Burghs having a Population of less than Ten thousand according to the Census last taken, and not having a Local Act for Police Purposes, and with respect to Parishes (exclusive of any Parts of such Parishes as are situated within the District of any Local Authority other than the Parochial Boards of such Parishes),—

Special Water Supply Assessment.

(1.) Where any Special Water Supply District has been formed as herein-before provided, the Expense incurred for Water Supply within the same, or for the Purposes thereof, and the Sums necessary for Payment as before mentioned of any Money borrowed for Water Supply Purposes as herein-before provided, shall be paid out of a Special Assessment which the Local Authority shall raise and levy on or within such Special District, in the same Manner and with the same Remedies and Modes of Recovery as are herein provided for the District of the Local Authority:

Assessment for general Expenses incurred in executing this Act.

(2.) All Charges and Expenses incurred by the Local Authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before or after provided, may be defrayed out of an Assessment to be levied by the Local Authority along with but as a separate Assessment from any one of the Assessments herein-after mentioned in this Section; that is to say, the said Assessment shall be assessed, levied, and recovered in like Manner and under like Powers (which Powers are hereby given and are declared to extend over the whole and every Part of the District of the Local Authority) as—

The Prison Assessment or Police Assessment, as the Local Authority shall resolve, where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners; or, if there be no Prison or Police Assessment, an Assessment levied in like Manner as is herein-after authorized, where the Local Authority is a Parochial Board:

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor:

Provided always, that where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners, or where a Parochial Board is the Local Authority in a District, including, as well as the Landward Part of a Parish, a Burgh or Town having a

Town Council or Police Commissioners, or Trustees acting as Police Commissioners, the annual Value of the following Lands or Premises shall for the whole Assessments under this Act be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll, made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in *Scotland; viz.*,

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, Wharfs, and Buildings, which shall be assessable on their full annual Value:

2. All the underground Water or Gas Pipes or underground Works of any Water or Gas Company:

3. All Woodland, Arable, Meadow, or Pasture Land, or other Land used for agricultural Purposes:

4. All Mines, Minerals, and Quarries:

And in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only, and the Sheriff shall thereupon order the Petition to be served on the Local Authority upon a short Induciæ, and, after hearing Parties and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right, and which Judgment shall be final, except that where pronounced by a Sheriff Substitute it shall be subject to Appeal to the Sheriff: Provided also, that where a Special Drainage District has been formed as herein-before provided, and the Drainage Works therein have been executed and are maintained under the Authority of this Act, the Lands and Premises situated within such Special District shall not be liable to Assessment for the Expense of making Sewers and Drainage Works in other Parts of the District of the Local Authority; and where a Special Water Supply District has been formed as herein-before provided, and a sufficient Supply of Water has been obtained and is maintained therein under the Authority of this Act, the Lands and Premises situated within

within such Special Water Supply District shall not be liable to Assessment for the Expense of supplying Water for other Parts of the District of the Local Authority:

(3.) The Assessments specified in this and the preceding Section shall not in any Year exceed the Rate of One Shilling and Threepence in the Pound where the Enactments with respect to Water for the domestic Use of the Inhabitants have been put in force, or the Rate of Threepence in the Pound where such Enactments have not been put in force.

Assessments in Burghs above 10,000, &c.

95. With respect to Burghs having a Population of Ten thousand or upwards, according to the Census last taken, or having a Local Act for Police Purposes,—

(1.) All Charges and Expenses incurred by the Local Authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before provided, may be defrayed out of an Assessment to be levied by the Local Authority along with but as a separate Assessment from any other Assessment which they may be entitled to levy; that is to say, the said Assessment shall be assessed, levied, and recovered in like Manner and under the like Powers (which Powers are hereby given and are declared to extend over the whole and every Part of the District of the Local Authority) as—

The Prison Assessment or Police Assessment, as the Local Authority shall resolve, where the Local Authority is a Town Council or Police Commissioners, or Trustees acting as Police Commissioners; or, if there be no Prison or Police Assessment, an Assessment levied in like Manner as is herein-after authorized where the Local Authority is a Parochial Board:

The Assessment for the Relief of the Poor where the Local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor:

Provided always, that the annual Value of the following Lands or Premises shall for the whole Assessments under this Act be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll, made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in *Scotland; viz.*,

1. All

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, Wharfs, and Buildings, which shall be assessable on their full annual Value:
2. All the underground Water or Gas Pipes or underground Works of any Water or Gas Company:
3. All Woodland, Arable, Meadow, or Pasture Land, or other Land used for agricultural Purposes:
4. All Mines, Minerals, and Quarries:

And in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only, and the Sheriff shall thereupon order the Petition to be served on the Local Authority upon a short Induciæ, and, after hearing Parties and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right, and which Judgment shall be final, except that where pronounced by a Sheriff Substitute it shall be subject to Appeal to the Sheriff: Provided also, that where a special Drainage District has been formed as herein-before provided, and the Drainage Works therein have been executed and are maintained under the Authority of this Act, the Lands and Premises situated within such special District shall not be liable to Assessment for the Expense of making Sewers and Drainage Works in other Parts of the District of the Local Authority:

(2.) The Assessments specified in this Section and in the Ninety-third Section hereof shall not in any Year exceed the Rate of Threepence in the Pound.

PART VIII.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

96. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall fail or neglect to perform any Duty imposed upon them by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, or for any other of the Purposes of this Act, it shall be competent for any Two Householders residing within the District, or for the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, or for the Board, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not within Fourteen Days after such Notice, or, in the Case of Neglect to enforce any Regulation or Direction of the Board under Part III. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case neglect to take the Steps authorized or required by or under this Act, it shall be competent for the Parties aforesaid, or any One of them, to apply to the Sheriff by summary Petition, and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions and Purposes of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority or other Party, as Justice may require; and further, it shall be competent for the Board to present a Petition to the Sheriff, under the Fourth Section of the "Burial Grounds (*Scotland*) Act, 1855," to the same Effect, and to be followed out in like Manner as if presented by any of the Persons or Parties therein mentioned: Provided always, that in regard to any Nuisance for the Removal of which Drainage Works are necessary, the Sheriff or other Judge or Court may suspend Consideration of the Complaint for such Time as may seem proper, in order to enable a general System of Drainage under any General or Local Act or otherwise to be carried out, the better to remove such Nuisances.

Provision for Refusal or Neglect of Local Authority.

97. In case any Local Authority shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board, with the Approval of the Lord Advocate, to apply by summary Petition to either Division of the Court of Session, or during Vacation or Recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorized and directed to do therein and to dispose of the Expenses of the Proceedings as to the said Division or Lord Ordinary shall appear to be just.

Procurator Fiscal may sue by Directions of the Board.

98. In any Place within the Jurisdiction of a Local Authority the Procurator Fiscal of the Sheriff Court, on the Board being satisfied that the Local Authority have made default in doing their Duty, may, with the Approval of the Lord Advocate, institute and follow out Proceedings against the Local Authority for compelling them to do their Duty, and may institute and follow out in all respects any Proceeding which the Local Authority of such Place might institute with respect to the Removal of Nuisances or otherwise; and the Expense as between Agent and Client of all such Proceedings shall be paid by the Local Authority, but with such Relief to them against the Author of any Nuisance or any other Party as may be competent.

Duties of Local Authorities as to Inspection of Nuisances, &c.

99. It shall be the Duty of the Local Authority to make from Time to Time, and also when required by the Board, either by themselves or by their Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of this Act, and to enforce the Provisions of the Act in order to cause the Abatement thereof, also to enforce the Provisions of any Act that may be in force within its District requiring Fireplaces and Furnaces to consume their own Smoke: Where a Nuisance is situated in a District the Local Authority of which does not cause the same to be abated, and which Nuisance is offensive or injurious to another District, the Local Authority of the latter District may call on the first-mentioned Local Authority to take all competent Steps for Removal of such Nuisance, and the said first-mentioned Local Authority shall be bound to do so accordingly; and any Expense thereby occasioned to the said second-mentioned Local Authority shall be reimbursed by the first-mentioned Local Authority, the Amount of such Reimbursement in the Case of Dispute to be finally determined by the Board.

Procedure where Nuisance beyond District.

Local Authority may require Pay-

100. It shall be lawful for the Local Authority, at their Discretion, to require the Payment of any Costs or Expenses which the

the Owner of any Premises may be liable to pay under this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by this Act, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier who shall not be the Author of a Nuisance shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Local Authority, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier: Provided also, that nothing herein contained shall be taken to affect as between the contracting Parties any Contract made or to be made between any Owner, Tenant, or Occupier of any House, Building, or other Property, whereby it is or may be agreed that the Tenant or Occupier shall pay or discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect as between the contracting Parties any Contract whatsoever between Landlord and Tenant.

ment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent.

101. If any Person wilfully damages any Works or Property belonging to any Local Authority, he shall be liable to a Penalty not exceeding Five Pounds, in addition to the Cost of repairing such Works or Property.

Penalty for wilful Damage of Works.

102. Any Local Authority may appear and plead before any Sheriff, Magistrate, or Justice, or in any legal Proceeding, by any Officer or Member, or other Person authorized generally, or in respect of any special Proceeding, by Resolution of such Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Authority is authorized to institute and carry on under this Act; and it shall not be necessary for the Local Authority to appear in any other Manner in any Prosecution or Proceeding at their Instance.

Appearance of Local Authorities in legal Proceedings.

103. All

Recovery of Penalties.

103. All Penalties under this Act, and also all Sums of Money and Expenses herein directed to be recovered in a summary Manner, may, unless otherwise provided in this Act, be recovered at the Suit of the Local Authority, and may be applied for the Purposes of this Act: Provided always, that nothing contained in this Section shall impair or affect any other Mode of Recovery allowed by this Act: Provided also, that all Contraventions of the Provisions contained in this Act relating to Overcrowding of Houses, and all Contraventions of the Provisions in this Act or of the Rules and Regulations made under the Authority of this Act relating to Common Lodging Houses, may be prosecuted as Police Offences before any Judge or Magistrate having Police Jurisdiction, and in the same Way and Manner as Police Offences are prosecuted before him under any General or Local Police Act; and in the event of the Offender being convicted, and failing to make immediate Payment of the Penalty which may have been imposed, he shall be liable to Imprisonment for any Period not exceeding Fourteen Days, without Prejudice to Diligence by Poinding or Arrestment, if no Imprisonment has followed on the Conviction.

Powers of Act cumulative.

104. All Powers given by this Act shall be deemed to be in addition to, and not in derogation of, any Powers conferred by Act of Parliament not hereby repealed, or any Law or Custom; and such last-mentioned Powers may be exercised in the same Manner as if this Act had not passed, but without Prejudice to the Powers conferred by this Act.

Form of Applications to the Sheriff.

105. All Applications to enforce any Provision of this Act, or for the Recovery of Penalties herein imposed, or other Sums of Money becoming due to the Local Authority in virtue of this Act, in so far as not herein otherwise provided for, may be by summary Petition, and such Petition may refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Magistrate, or Justice shall thereupon, if he see fit, appoint the Petition to be answered within Three Days after Service, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, or on the Respondent failing to appear, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he

he may find either Party liable in Expenses, or in any modified Sum of Expenses, and may, without Prejudice to Diligence by Poinding or Arrestment, grant Warrant for the Imprisonment of the Person convicted or found liable in a Penalty or Sum of Money, unless he shall pay the whole Sums found due within a specified Time, until the same be paid, such Imprisonment not to exceed a specified Time, but the Judgment shall not be invalidated by any Deviation from any of the said Periods of Time.

No written Pleadings, &c allowed.

106. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff, Magistrate, or Justice shall have Power to grant Diligence in common Form to cite Witnesses and Havers, and in Cases under the Heads marked (*h.*), (*i.*), and (*j.*) in Section Sixteen the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

107. Where in Cases under the Heads (*h.*), (*i.*), and (*j.*) in Section Sixteen it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute, where the Judgment has been pronounced by him to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party or the Agent acting in such Proceedings for such Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final where the Value certified is not above Fifty Pounds; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills against the Judgment either of the Sheriff Substitute or of the Sheriff, whether this last be an original Judgment or an Appeal, provided that, along with such Note, the Appellant shall lodge a sufficient Bond of Caution by One or more Obligants, to the Amount of Fifty Pounds Sterling, for Payment or Performance of any Judgment that may be pronounced under his Appeal; and also provided that such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party or his

said Agent within Eight Days after the Date of the Sentence or Judgment complained of, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final unless the Lord Ordinary shall allow a Reclaiming Note to the Inner House, and the Judgment of the Inner House shall be final.

No Appeal otherwise.

108. No Appeal shall be competent from any Decree or Order of any Magistrate or Justices, or from the Decree or Order of any Sheriff, except in Cases certified in Terms of the preceding Section; and no Decree or Order, or any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein provided, be subject to Review in any way whatever.

Justices being Members of Local Authority may act.

109. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority or the Board, exercise the Jurisdiction vested in them under this Act.

Service of Notices, Petitions, and Orders.

110. Notices, Petitions, and Orders under this Act may be served by any Person by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties; and where addressed to the Owner or Occupier of Premises they may be served by any Person delivering the same or a true Copy thereof to some Person upon the Premises, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises; and Service of such Notices, Petitions, or Orders may be proved by a Certificate under the Hand of the Person who posted or delivered or affixed the same, attested by One Witness who was also present.

Proof of Resolutions of Local Authority and Board.

111. Copies of any Orders or Resolutions of the Local Authority or their Committee purporting to be signed by the Chairman of such Body or Committee, and all Directions and Regulations, or Orders or Resolutions of the Board, signed by their Secretary or Clerk, shall, unless the contrary be shown, be received as Evidence thereof without Proof of their Meeting, or of the official Character or Signature of the Person signing the same.

One or more Joint Owners may be proceeded against alone.

112. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent

prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty on Occupier obstructing Owner.

113. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Magistrate or Justice to whom Application is made shall, by Order in Writing, require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff, Magistrate, or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty for violating Act or obstructing its Execution.

114. Whoever wilfully violates or contravenes any Provision of this Act to which a pecuniary Penalty is not herein attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Works of Distribution of Sewage to be deemed a Land Improvement.

115. The making of Works of Distribution and Service for the Supply of Sewage to Lands for agricultural Purposes shall be deemed an Improvement of Land authorized by the Land Improvement Act, 1864, and the Provisions of that Act shall apply accordingly.

Compensation to be made.

116. Full Compensation shall be made, out of any Fund or Assessment applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act, except when otherwise specially provided; and in case of Dispute, if the Sum claimed do not exceed the Sum of Fifty Pounds Sterling, the same may be ascertained on a summary Application by either Party to the Sheriff, whose Decision shall be final and not subject to Review, unless when pronounced by the Sheriff Substitute, in which Case it may be reviewed by the Sheriff on Appeal; and when the Sum claimed exceeds Fifty Pounds Sterling, such Compensation shall be ascertained and disposed of in Terms of the Lands Clauses Acts.

117. No

Convictions not void for Want of Form.

117. No Conviction or other legal Proceeding under this Act shall be void for Want of Form, or for Want of any previous Notice, provided in this latter Case the Party proceeded against or convicted has appeared or the Charge had come to his Knowledge; and the Charge may be amended at any Time, and the Proceedings may be adjourned on the Ground of Want of sufficient Notice, or for other good Cause.

Local Authority or Board not liable for Irregularity of their Officers.

118. The Local Authority and the Board shall not be liable in Damages for any Irregularity committed by their Officers in the Execution of this Act, or for anything done by themselves in the *bonâ fide* Execution of this Act; and every Officer acting in the *bonâ fide* Execution of this Act shall be indemnified by the Local Authority under which he acts in respect of all Costs, Liabilities, and Charges to which he may be subjected; and every Action or Prosecution against any Person acting under this Act on account of any Wrong done in or by any Action, Proceeding, or Operation under this Act shall be commenced within Two Months after the Cause of Action shall have arisen.

As to Forms to be used.

119. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor, and all written Proceedings or Documents under this Act may be wholly or partly printed.

Exemption from Stamp Duties.

120. All Bonds, Assignations, Conveyances, Instruments, Agreements, Receipts, or other Writings made or granted by or to or in favour of the Local Authority under this Act shall be exempt from all Stamp Duties.

Police Constables to aid in executing Act.

121. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Right of Action, &c.

122. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

SCHE-

SCHEDULE.

Bond for Borrowed Money.

WE, the Local Authority of the Burgh [*or* Parish] of considering that, by Resolution of the said Local Authority passed on the Day of , it was resolved to borrow the Sum of Pounds, under the Powers contained in "The Public Health (Scotland) Act, 1867," Section , for the Purpose of [*specify Purpose*], and on Security of the after-mentioned Assessments, and further considering that we have accordingly borrowed and received the Sum of from [*Name and Designation of the Lender*], therefore we bind the said Local Authority to repay the said Sum of Pounds [*here insert Obligation to repay in accordance with the Arrangement made between the Local Authority and the Lender*], and in Security of the said Loan we hereby assign to the said and his foresaids the [*specify the Assessments on the Security of which the Money is borrowed*], and we consent to the Registration hereof for Preservation and Execution. In witness whereof, *&c.*

Transfer.

I, *A.B.* [*Designation*], in consideration of the Sum of paid to me by *C.D.* [*Designation*], do hereby assign and transfer to the said *C.D.*, and his Heirs, Executors, and Successors, a certain Bond, Number , granted by the Local Authority of the Burgh [*or* Parish] of in favour of bearing Date the Day of for securing the Sum of and Interest thereon, and all my Right and Interest in and to the Money thereby secured, and in and to the [*here specify the Assessments on the Security of which the Money was borrowed*] thereby assigned; and I consent to Registration hereof for Preservation. In witness whereof, *&c.*

Discharge.

I, *A.B.* [*Designation*], in consideration of the Sum of paid to me by *C.D.* [*Designation*], do hereby discharge a certain Bond, Number , granted by the Local Authority of the Burgh [*or* Parish] of in favour of , and all Interest due thereon, and I declare the Assessments thereby assigned to be freed and discharged thereof; and I consent to Registration hereof for Preservation. In witness whereof, *&c.*

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