(*b.*) Any award or agreement as to compensation under this Act may be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral:

(*c.*) Any application to the sheriff as arbitrator shall be heard, tried, and determined summarily in the manner provided by the fifty-second section of the Sheriff Courts (Scotland) Act, 1876, save only that parties may be represented by any person authorised in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him, and his decision thereon in such case may be submitted to either division of the Court of Session, who may hear and determine the same finally, and remit to the sheriff with instruction as to the judgment to be pronounced. 39 & 40 Vict. c. 70.

(15.) Paragraphs four and seven of this schedule shall not apply to Scotland.

(16.) In the application of this schedule to Ireland the expression "county court judge" shall include the recorder of any city or town.

CHAPTER 38.

An Act to consolidate and amend the Laws relating to the Public Health in Scotland. [6th August 1897.]

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.

Short title.

1. This Act may be cited as the Public Health (Scotland) Act, 1897.

Extent and commencement of Act.

2. This Act shall extend to Scotland only, and shall come into operation on the first day of January after the passing thereof.

Definitions.

3. In this Act the following words and expressions have the meanings herein-after assigned to them, unless such meaning is inconsistent with the context:

The word "Board" means the Local Government Board for Scotland:

The word "secretary" includes assistant secretary:

The expressions "medical officer of health" and "medical officer" mean a legally qualified medical practitioner appointed by the local authority under the Burgh Police (Scotland) Act, 1892, or under the Acts repealed by this Act or under this Act: 55 & 56 Vict. c. 55.

Wherever in this Act the expression "legally qualified medical practitioner" is used, it shall mean a registered medical practitioner qualified, as the case may be:

The expression "sanitary inspector" means a sanitary inspector appointed by the local authority under the Burgh Police (Scotland) Act, 1892, or under the Acts repealed by this Act or under this Act:

The expressions "veterinary surgeon" and "qualified veterinary surgeon" mean a member of the Royal College of Veterinary Surgeons:

The word "clerk" includes acting clerk:

The word "parish" means a parish quoad civilia exclusive of any burgh situated or partly situated therein:

The word "burgh" includes not only royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, but also any police burgh within the meaning of the Burgh Police (Scotland) Act, 1892:

The word "county" means a county exclusive of any burgh, and does not include a county of a city:

The word "district" means the district of any local authority under this Act:

The expression "district committee" means a district committee under the Local Government (Scotland) Act, 1889, and, subject to the provisions of section seventy-eight, sub-section three, of that Act, as amended by section nineteen, sub-section seven, of the Local Government (Scotland) Act, 1894, in the case of a county not divided into districts includes a county council:

57 & 58 Vict. c. 58.

The word "magistrate" means a magistrate or judge having police jurisdiction under the Burgh Police (Scotland) Act, 1892, or under any general or local Police Act:

The word "decree" or "decern" includes any warrant, sentence, judgment, order, or interlocutor:

The word "premises" includes lands, buildings, vehicles, tents, vans, structures of any kind, streams, lakes, seashore, drains, ditches, or places open, covered, or inclosed, whether built on or not, and whether public or private, and whether natural or artificial, and whether maintained or not under statutory authority, 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 "land" in this Act and in the Acts incorporated herewith as after-mentioned, shall include water and any right or servitude to or over land or water:

The word "ship" includes any sailing or steam ship, vessel, or boat not belonging to Her Majesty or any foreign Government:

The word "street" includes any highway and any public bridge, and any road, lane, footway, square, court, or passage, whether a thoroughfare or not, and whether or not there are houses in such street:

The word "house" means a dwelling-house, and includes schools, also factories and other buildings in which persons are employed:

The word "factory" includes workshop and workplace:

The word "ashpit" means any receptacle for the deposit of ashes or refuse matter:

The expression "knacker" means a person whose business it is to kill any horse, ass, mule, or cattle, not killed for the purpose of the flesh being used as butcher's meat; and the expression "knacker's yard" means any building or place used for the purpose of such business:

The expression "slaughterer of cattle or horses" means a person whose business it is to kill any description of cattle or horses, asses or mules, for the purpose of the flesh being used as butcher's meat; and the expression "slaughter-house" means any building or place used for the purpose of such business:

The word "owner" means 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 includes a trustee, factor, tutor, or curator, and in case of public or municipal property applies to the persons to whom the management thereof is entrusted:

The word "occupier" means in the case of a building or part of a building the person in occupation or having the charge, management, or control thereof, either on his own account or as the agent of another person, and in the case of a ship means the master or other person in charge thereof:

The word "company" includes commissioners:

The expression "author of a nuisance" means 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" means a house or part thereof where lodgers are housed at an amount not exceeding fourpence per night, or such other sum as shall be fixed under the provisions of this Act, for each person whether the same be payable nightly or weekly, or for any period not longer than a fortnight, and shall include any place where emigrants are lodged and all boarding-houses for seamen, irrespective of the rate charged for lodging or boarding:

The expression "keeper of a common lodging-house" includes any person having or acting in the care and management of a common lodging-house:

The word "cattle" means bulls, cows, oxen, heifers, and calves, and includes sheep, goats, and swine:

The word "dairy" includes any farm, farmhouse, cowshed, milk store, milk shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale:

The word "dairyman" includes any cow-keeper, purveyor of milk, or occupier of a dairy:

The word "burial" includes cremation:

The expressions "day" and "daytime" mean between nine o'clock in the morning and six o'clock in the evening.

Incorporation of Acts.

4.—(1.) The Lands Clauses Acts, except the provisions thereof relating to the purchase and taking of land otherwise than by agreement, are incorporated with this Act, and for the special purposes herein-after mentioned the provisions thereof for the purchase and taking of land otherwise than by agreement are incorporated with this Act, but shall only be put in force in manner herein-after set forth.

(2.) Section six and sections seventy to seventy-eight of the Railway Clauses Consolidation (Scotland) Act, 1845, are incorporated with this Act, and in the said sections for the purpose of such incorporation "the company" shall mean the local authority; "the

8 & 9 Vict. c. 33.

railway" or "the railway and works" shall mean any works constructed under the powers of this Act; "the construction of the railway" shall mean and include the construction of any works under this Act, or the acquisition of rights and powers to make sewers or to use any sewer; and "lands taken or used for the purposes of the railway" shall mean and include lands, buildings, engines, materials, or apparatus purchased, taken on lease, or used for the purposes of this Act.

(3.) The expression in this Act "in terms of the Lands Clauses Acts," or any similar expression, shall, unless the context otherwise requires, mean in terms of the Lands Clauses Acts (except the provisions thereof relating to the purchase and taking of land otherwise than by agreement), and of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated in this Act.

PART I.

AUTHORITIES FOR EXECUTION OF ACT.

Central Authority.

Local Government Board to be central authority. 57 & 58 Vict. c. 58.

5. The Local Government Board for Scotland (in this Act referred to as the Board) shall be the central authority for the execution of this Act. In addition to the powers conferred on or transferred to it by the Local Government (Scotland) Act, 1894, the Board shall have the powers hereinafter mentioned.

Powers of Board to inquire into sanitary conditions of district.

6. It shall be lawful for the Board, upon written application by a parish council, or ten ratepayers, or upon the report of any of the inspecting officers of the Board, to inquire into the sanitary condition of any district or part of a district, 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.

Power to Board to authorise special inquiries.

7. It shall be lawful for the Board, whenever it may seem fitting to them, to authorise 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 authorised 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.

8. It shall be lawful for the Board, whenever it may seem fitting to them, to appoint some person or persons, not being a member or members of the Board, 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 such of the powers of the Board as they may deem necessary or expedient for summoning or examining on oath witnesses and havers, and otherwise conducting such inquiry; 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 Treasury.

Power to Board to allow expenses of witnesses, &c.

9. 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 the Board are now defrayed.

Penalties on persons giving false evidence or refusing to obey summons of Board.

10. 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 authorised 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, and 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.

11. The Board are hereby empowered from time to time to appoint all such officers and clerks as they shall deem necessary, 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 Treasury.

Local Authorities.

Local authorities to execute Act.

12. The following shall respectively be the local authority to execute this Act within the districts hereunder stated:

(1.) In burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, the town council or burgh commissioners:

(2.) In other burghs, the town council or board of police, as the case may be:

(3.) In districts where the county is divided into districts under the Local Government (Scotland) Act, 1889, and, subject to the provisions of section seventeen of that Act, as amended by this Act, the district committee:

52 & 53 Vict. c. 50.

(4.) In counties where the county is not so divided, the county council, subject to the provisions of section seventy-eight, sub-section three, of the Local Government (Scotland) Act, 1889, as amended by section nineteen, sub-section seven, of the Local Government (Scotland) Act, 1894.

57 & 58 Vict. c. 58.

Provided always that wherever, except in regard to a burgh, the expression "local authority" is in this Act used with reference to rating, borrowing, or acquiring or holding land, it shall mean the county council, but this proviso shall not be construed to extend or diminish the exemption from stamp duties contained in section one hundred and sixty-eight of this Act.

Where district in more than one county.

13. 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 recall or vary such determination.

Local authorities to be bodies corporate. Committees may be appointed.

14. 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, subject, in the case where the local authority is a district committee, to the provisions of sub-section two of section seventeen of the Local Government (Scotland) Act, 1889, may appoint any committee or committees of their own body to receive and issue 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 authorised, may by a writing under the hand of the clerk empower any officer or person to serve notices, 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 commencement of this Act, by the local authority under any of the Acts hereby repealed, and shall be vested with all

property or pecuniary claims vested in and be liable to perform all pecuniary and other obligations undertaken or incurred by or devolving on such last-mentioned local authority.

Local authority to appoint medical and other officers.

15. The local authority shall appoint a medical officer or medical officers, who shall be called medical officer or medical officers of health, and a sanitary inspector or inspectors, the latter of whom shall be also inspector or inspectors of common lodging-houses, and the local authority shall, subject to the approval of the Board, regulate the duties of such medical officers and sanitary inspectors and their relations to each other, whether appointed before or subsequent to the commencement of this Act, and this, notwithstanding anything contained in sections seventy-five, seventy-six, and seventy-seven of the Burgh Police (Scotland) Act, 1892; and the local authority may, and if required by the Board shall, appoint convenient places for their offices, and shall allow to every such medical officer and sanitary inspector and every other officer or clerk appointed by them on account of his employment a proper salary or remuneration; and the names and addresses and salaries of the said medical officers and sanitary inspectors shall be reported by the local authority to the Board immediately on such persons being appointed and such salaries fixed; and the said medical officers and sanitary inspectors, and the local authority and their clerk, and the registrars of births, deaths, and marriages shall be bound to make such returns and special reports to the Board in such form and at such times as the Board shall require. The medical officer may, when authorised by the local authority, exercise any of the powers with which the sanitary inspector is invested by this Act.

55 & 56 Vict. c. 55.

No person shall be appointed as the medical officer of any burgh, or of any district, other than a burgh, unless he possesses the qualifications set forth in section fifty-four of the Local Government (Scotland) Act, 1889.

52 & 53 Vict. c. 50.

No medical officer or sanitary inspector appointed by the local authority under this or any of the repealed Acts shall be removable from office, except by or with the sanction of the Board.

The registrar of births, deaths, and marriages in each registration district shall furnish to the local authority such periodical returns of births and deaths as may be required of him and approved by the Board, and for each death included in such return and for each return of births he shall be paid by the local authority the sum of twopence, and the local authority shall provide the forms on which such returns are to be made, and shall pay for their transmission by letter post.

The medical officer and sanitary inspector shall, if required by the local authority, respectively name a duly qualified substitute for whom they shall be responsible, and if the local authority shall approve of the nomination, such substitute shall have the same powers and duties as the medical officer or sanitary inspector, as the case may be, during the temporary illness or authorised absence of either of them, and the local authority may from time to time with consent of the Board withdraw their approval of such substitute, and may require the medical officer or sanitary inspector, as the

case may be, to name for their approval some other duly qualified substitute.

Nothing contained in this Act shall, save in so far as expressly otherwise provided, prejudice or affect the existing officers and servants of the local authorities under any Act in force at the passing of this Act, and such officers and servants shall without any further appointment be the officers and servants of the local authorities under this Act, with, save as aforesaid, the same tenure of office (if any), and emoluments as heretofore.

PART II.

SANITARY PROVISIONS.

General Nuisances.

Definition of nuisances.

16. For the purposes of this Act,

(1.) Any premises or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health:

(2.) Any street, pool, ditch, gutter, watercourse, sink, cistern, watercloset, earth-closet, privy, urinal, cesspool, drain, dung-pit, or ashpit so foul or in such a state or so situated as to be a nuisance or injurious or dangerous to health:

(3.) Any well or water supply injurious or dangerous to health:

(4.) Any stable, byre, or other building in which any animal or animals are kept in such a manner or in such numbers as to be a nuisance or injurious or dangerous to health:

(5.) Any accumulation or deposit, including any deposit of mineral refuse, which is a nuisance or injurious or dangerous to health, or any deposit of offensive matter, refuse, or offal, or manure (other than farmyard manure or manure from byres or stables, or spent hops from breweries), within fifty yards of any public road wherever situated, or any offensive matter, refuse, or offal, or manure other than aforesaid contained in uncovered trucks or waggons standing or being at any station or siding or elsewhere on a railway or in canal boats so as to be a nuisance or injurious or dangerous to health:

(6.) Any work, manufactory, trade, or business, injurious to the health of the neighbourhood or so conducted as to be injurious or dangerous to health, or any collection of rags or bones injurious or dangerous to health:

(7.) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates:

(8.) Any schoolhouse, or any factory which is not a factory subject to the provisions of the Factory and Workshop Acts, 1878 to 1895, or any Act amending the same, with respect to cleanliness, ventilation, or overcrowding, and

(i) is not kept in a cleanly state and free from effluvia arising from any drain, privy, watercloset, earth-closet, urinal, or other nuisance, or

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

therein that are a nuisance or injurious or dangerous to health, or

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

(9.) Any fireplace or furnace situated within the limits of any burgh or special scavenging district which does not so far as practicable consume the smoke arising from the combustible matter used therein, for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever:

(10.) Any chimney (not being the chimney of a private dwelling-house) sending forth smoke in such quantity as to be a nuisance or injurious or dangerous to health: and

(11.) Any churchyard, cemetery, or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act: Provided that—

(*a*) a penalty shall not be imposed as herein-after provided on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business, trade, or manufacture, if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business, trade, or manufacture, and that the best available means have been taken for preventing injury or danger thereby to the public-health; and

(*b*) in considering whether any dwelling-house or part thereof which is also used as a factory, or whether any factory, used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstances of such other use.

Duty of local authority to inspect district for detection of nuisances.

17. It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for removal under the powers of this Act, and to enforce the provisions of this Act in order to remove the same, and otherwise to put in force the powers vested in them relating to public health, so as to secure the proper sanitary condition of all premises within their district.

Power of entry to local authority or their officers.

18. If the local authority, or medical officer, or sanitary inspector have reasonable grounds for believing that nuisance exists in any premises, such local authority, or medical officer, or sanitary inspector may demand admission for themselves, the chief constable or superintendent of police, or any other person or persons whom the local authority may desire to enter and inspect such premises, and, if necessary, to open up the ground of 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 believed to be in progress or are usually carried on; and may cause the ground or surface to be opened, and the drains to be tested, or such other work to be

done as may be necessary for an effectual examination of the said premises: provided always, that if no nuisance be found to exist, the local authority shall restore the premises at their own expense, and if admission be refused, the local authority, or medical officer, 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, after intimation to the owner and 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 aforesaid; 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 local authority, officers, or 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.

Provided that if no nuisance be found to exist, the local authority shall restore the premises at their own expense.

Any order made by a sheriff, magistrate, or justice, for the admission of the local authority or their officers or other persons under this section shall continue in force until the nuisance has been removed, or the work for which the entry was necessary has been done.

Information of nuisances to local authority.

19. Information of any nuisance under this Act in the district of any local authority may be given to such local authority by any person, and it shall be the duty of every officer of such authority, and of any constable or officer of police of the county or burgh, in accordance with the regulations of the authority having control over him, to give that information, and it shall be the duty of the said authority to make the said regulations. The local authority shall give such directions to their officers as will secure the existence of the nuisance being immediately brought to the knowledge of any person who may be required to remove it, and such officer shall do so by an intimation as herein-after provided.

Notice requiring removal of nuisance.

20.—(1.) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act, the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the author of the nuisance, or, if such author cannot be found, on the occupier or owner of the premises on which the nuisance arises or continues, requiring him to remove the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and if the local authority think it desirable (but not otherwise) specifying any works to be executed.

(2.) The local authority may also by the same or another notice served on such occupier, owner, or person, require him to do what is necessary for preventing the recurrence of the nuisance, and, if

they think it desirable, may specify any works to be executed for that purpose, and may serve that notice, notwithstanding that the nuisance may for the time have been removed, if the local authority consider that it is likely to recur on the same premises.

(3.) Provided that—

(*a*) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served on the owner;

(*b*) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the premises, the local authority may themselves remove the same, and may do what is necessary to prevent the recurrence thereof.

On non-compliance with notice local authority to proceed summarily.

21. If the person on whom a notice to remove a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified, and if the nuisance, although removed since the service of the notice is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall proceed by summary petition as hereinafter provided.

Proceedings by local authority when nuisances are ascertained to exist.

22. In any case where the existence of a nuisance is ascertained to their satisfaction by the local authority, or where the nuisance in the opinion of the local authority did exist, 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, 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 if it appear to the sheriff or magistrate or justice that the nuisance arose from the wilful fault or culpable negligence either of the owner or occupier of the premises, and that a notice in respect thereof had previously been served on such author, the sheriff or magistrate or justice may, in addition to making a decree as aforesaid, impose a fine not exceeding five pounds on such owner or occupier; provided that in the cases under sub-sections (6) and (8) in section sixteen of this Act such application shall be made only on medical certificate, or on a representation by a parish council, or on a requisition in writing under the hands of any ten ratepayers of the district of the local authority, and that in these cases and the cases under sub-sections (9) and (10) in said section, it shall be made only to the sheriff; and farther, that in the cases under sub-section (11) 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.

23. 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 or occupier of the premises may be ordained to execute such works or to do or to abstain or cease from doing such acts or things as are necessary to remove the nuisance complained of, in such manner and within such time as 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 or use, he may prohibit such habitation or use until in his judgment it is rendered fit therefor, and on the sheriff, magistrate, or justice being satisfied that it has been rendered fit for that purpose he may declare the house or building habitable, and from the date thereof such house or building may be let or occupied, or the sheriff, magistrate, or justice may do otherwise as the case may in his judgment require.

Penalty for contravention of decree and of interdict.

24. 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 or occupier, as the case may be, shall be liable, in the case of nuisances under sub-sections (1), (2), (3), (4), (5), (7), (10), and (11) 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 under sub-sections (6), (8), and (9) in the said section, the party not complying with or infringing such decree shall be liable to a penalty not exceeding five pounds for the first offence, and not exceeding ten pounds for the second, and for each subsequent conviction a sum not exceeding 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 a nuisance under the said sub-section (9), 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 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 wtorks are required.

25. 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.

26. In case of non-compliance 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 deem right to enter the premises to which such decree relates, and remove or remedy the nuisance thereby condemned or interdicted, 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 and failing him from the owner of the premises.

Articles removed to be sold.

27. Any matter or thing 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 matter or thing is not of the value of two pounds or upwards, in which cases the sheriff, magistrate, or justice may, by writing under his hand, order the immediate removal, sale, or destruction of the matter or 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 matter or 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.

28. Whenever any watercourse, ditch, gutter, or drain along the side of any street, or between or parallel to rows of dwelling-houses, shall be used or partly used for the conveyance of any water, sewage, or other liquid or 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 to lay down such sewer or other structure within the limits of their district, or, subject to the approval of the Board, 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 authorised

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 sum so assessed, with the same remedies in case of default in payment thereof as are herein-after provided with reference to the public health general assessment leviable under this Act.

Local authority may erect public waterclosets, &c.

29. The local authority may erect such public ashpits, 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 persons are employed in any manufacture, trade, or business, require them or either of them, within a time specified, to construct a sufficient number of waterclosets or privies for the separate use of each sex; and any person failing to comply with such notice shall be liable for each offence in a penalty not exceeding twenty pounds.

Penalty for injuring closet, &c. so as to cause nuisance.

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

Waterclosets, &c. used in common.

31. The following provisions shall have effect with respect to any watercloset, earth-closet, privy, or similar convenience used in common by the occupiers of two or more separate dwelling-houses, or by other persons:—

(1) If any person injures or improperly fouls any such convenience, or anything used in connection therewith, he shall for each offence be liable to a penalty not exceeding ten shillings;

(2) If any such watercloset, earth-closet, privy, or similar convenience, or the approaches thereto, or the walls, floors, seats, or fittings thereof, is or are, in the opinion of the local authority or of their sanitary inspector or medical officer, in such a state as to be a nuisance or annoyance to any of the persons using, or entitled to use, the same for want of the proper cleansing thereof, such of the persons having the use thereof in common as may be in default, or in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default, each of those persons shall be liable to a penalty not exceeding

ten shillings, and to a penalty not exceeding five shillings for every day during which the offence continues after a conviction for the offence.

Offensive Trades.

Prohibition or regulation of certain offensive businesses, and byelaws as to offensive businesses.

32.—(1.) If any person after the commencement of this Act establishes, without the sanction of the local authority, the following businesses, or any of them; that is to say, the business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter, knacker, tanner, tripe boiler, gut or tripe cleaner, skinner or hide factor, slaughterer of cattle or horses, or any other business which the local authority may declare, by order confirmed by the Board and published in the Edinburgh Gazette, to be an offensive business, he shall be liable to a fine not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on the same after a conviction for the establishment thereof shall be liable to a penalty not exceeding twenty-five pounds for every day during which he so carries on the same.

(2.) The local authority shall give their sanction by order, but, at least fourteen days before making any such order, shall make public the application for it, by advertisement in one or more local newspapers, or by the posting of handbills in the locality, setting forth the time and place at which they will be willing to hear all persons objecting to the order, and they shall consider any objections made at that time and place, and shall grant or withhold their sanction as they think expedient, and where the local authority grants or withholds such sanction, any person aggrieved may appeal to the Board, whose decision shall be final, but, in the case of a district other than a burgh, the appeal to the Board shall only arise after the county council has given its determination on the matter, and a local authority may appeal to the Board against the determination of the county council.

(3.) The local authority may make byelaws for regulating the conduct of any businesses within the meaning of this section, and of section thirty-seven of this Act, which are for the time being lawfully carried on in their district, and the structure of the premises in which any such business is being carried on, in order to prevent or diminish the noxious or injurious effect thereof, and the mode in which the said application is to be made.

(4.) Any such byelaw may, in addition to any pecuniary penalty imposed by such byelaw, empower a sheriff by summary order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which such byelaw relates, as a punishment for breaking the same, and any person disobeying such order shall be liable to a penalty not exceeding twenty-five pounds for every day during which such disobedience continues; and the decision of the sheriff under this sub-section shall be appealable to the Lord Ordinary on the Bills in manner provided by section one hundred and fifty-six of this Act.

(5.) There shall be charged for an order of the local authority under this section, such fee not exceeding forty shillings as the local authority may fix.

(6.) For the purposes of this section a business shall be deemed to be established after the commencement of this Act not only if it is established newly, but also if it is removed from any one set of premises to any other premises, or if it is renewed on the same set of premises after having been discontinued for a period of twelve months or upwards, or if any premises on which it is for the time being carried on are enlarged without the sanction of the local authority; but a business shall not be deemed to be established anew on any premises by reason only that the ownership or occupancy of such premises is wholly or partially changed, or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Licensing of slaughter-houses.

33.—(1.) A person carrying on the business of a slaughterer of cattle or horses, or knacker, shall not use any premises as a slaughter-house or knacker's yard without a licence from the local authority, and if he does he shall for each offence be liable to a penalty not exceeding five pounds, and the fact that cattle or horses have been taken into unlicensed premises shall be primâ facie evidence that an offence under this section has been committed.

(2.) A licence under this section shall expire on such day in every year as the local authority fix, and when a licence is first granted shall expire on the day so fixed which secondly occurs after the grant of the licence, and a fee not exceeding five shillings may be charged for the licence or any renewal thereof.

(3.) Not less than twenty-one days before a new licence for any premises is granted under this section, notice of the intention to apply for it shall be advertised as provided in sub-section two of the immediately preceding section by the local authority of the district in which the premises are situate, and any person interested may show cause against the grant or renewal of the licence.

(4.) An objection shall not be entertained to the renewal of a licence under this section, unless seven days previous notice of the objection has been served on the applicant, save that, on an objection being made of which notice has not been given, the local authority may, if they think it just so to do, direct notice thereof to be served on the applicant, and adjourn the question of the renewal to a future day, and require the attendance of the applicant on that day, and then hear the case, and consider the objection, as if the said notice had been duly given.

(5.) For the purposes of this section a licence shall be deemed to be renewed where a further licence is granted in immediate succession to a prior licence for the same premises.

(6.) The local authority shall have right to enter any slaughter-house or knacker's yard at any hour by day, or at any hour when business is in progress or is usually carried on therein, for the purpose of examining whether there is any contravention therein of this Act or of any byelaw made thereunder.

(7.) Where any person carrying on the business of a slaughterer of cattle or horses or knacker at the passing of this Act is refused

by the local authority a licence for the premises where such business is carried on, or where any person has been refused a renewal of any licence, such person may appeal to the Board against such refusal, and the decision of the Board shall be final, but in the case of a district other than a burgh the appeal to the Board shall only arise after the county council has given its determination on the matter, and a local authority may appeal to the Board against the determination of the county council.

Local authorities may provide a slaughter-house,

34. The local authority of any district other than a burgh may provide, establish, improve, or extend and maintain within or without their district, and two or more such local authorities may combine to so provide, establish, improve, or extend and maintain fit shambles or slaughter-houses for the purpose of slaughtering cattle, and for that purpose may borrow such sums of money as they shall find necessary on the security of the public health general assessment, and of the rates to be taken and levied for the use of such shambles or slaughter-houses and ground on which the same are erected, or on any one or more thereof, and the provisions of section one hundred and forty-one of this Act shall, with the necessary modifications, apply to such borrowing.

and make byelaws as to pigstyes.

35. The local authority may make byelaws regulating the construction of pigstyes, the places in which they may be erected, and the mode of cleansing them at proper intervals so as to prevent them from becoming a nuisance or dangerous to public health.

Duty of local authority to complain to sheriff, &c. of nuisance arising from offensive trade.

36.—(1.) Where it appears to the local authority upon a certificate by their medical officer, or from a representation by a parish council, or on a requisition in writing under the hands of any ten ratepayers within the district that any trade, business, process, or manufacture carried on in any manufactory, building, or premises, and causing effluvia is a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, such authority may, if they think proper, and, if required by the Board shall, apply to the sheriff by summary petition, and if it appears to such sheriff that any trade, business, process, or manufacture carried on in such manufactory, building, or premises is causing a nuisance, or any effluvia which is a nuisance or injurious or dangerous to the health of any of the inhabitants within the district, then, unless it is shown that the best practicable means have been used for removing the nuisance, or preventing or counteracting the effluvia, the author of the nuisance, and failing him the occupier and failing him the owner of the premises, shall be liable to a penalty not exceeding fifty pounds.

(2.) Provided that the court may suspend its final determination on condition that the person so offending undertakes to adopt, within a reasonable time, such means as the court may deem practicable, and may order to be carried into effect, for removing the nuisance, or mitigating or preventing the injurious or dangerous effects of the effluvia.

(3.) The local authority may, if they think fit, on such certificate as is in this section mentioned, cause proceedings to be taken

in the Court of Session against any person in respect of the matters alleged in such certificate.

(4.) The local authority may take proceedings under this section in respect of a manufactory, building, or premises situate without their district, so, however, that the summary proceedings shall be had before a sheriff having jurisdiction in the district where the manufactory, building, or premises are situate.

Provision as to nuisance created by local authority in dealing with refuse.

37.—(1.) The removal of house refuse and street refuse by a local authority when collected or deposited by that authority, or by any contractor or other person authorised by such local authority, shall be deemed to be a business carried on by that authority, or by such contractor or other person, within the meaning of this Act, and a complaint or proceedings in relation to any such business may be made or taken by the county council of the district, other than a burgh, where such business is carried on, or, in the case of any district, by any person authorised by the Board in like manner as if such county council or such person were a local authority.

(2.) Any premises used by a local authority, or by any contractor or other person authorised by such local authority, for the treatment or disposal of any street refuse or house refuse, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance liable to be dealt with summarily under this Act, and for the purpose of the application thereto of the provisions of this Act relating to such nuisances the county council, in the case of a district other than a burgh, and any person authorised as aforesaid by the Board shall be deemed to be a local authority.

Scavenging and Cleansing.

Appeal against resolution of district committee as to formation of special scavenging, &c. districts

38. With respect to the formation of special districts for scavenging and other purposes under section forty-four of the Local Government (Scotland) Act, 1894, the following provision shall have effect; (that is to say,)

It shall be competent for any person interested to appeal to the sheriff against any resolution of a district committee or county council, as the case may be, under sub-section two of the recited section, and all the provisions of sub-section one of section one hundred and twenty-two of this Act in regard to an appeal to the sheriff against a resolution of a local authority shall, with the necessary modifications, apply to an appeal against a resolution of a district committee or county council as aforesaid. Provided that in cases to which sub-section three of the said section forty-four of the Local Government (Scotland) Act, 1894, applies an appeal to the sheriff shall not be competent unless the resolution has been disposed of by the county council in terms of that sub-section.

57 & 58 Vict. c. 58.

Where the boundaries of any burgh are extended so as to include the whole or part of any such special district, then the town council or burgh commissioners shall, as regards the whole of such special district, supersede the district committee or county council as the case may be in the administration of the Burgh Police (Scotland)

55 & 56 Vict. c. 55.

Act, 1892, and other powers in regard to cleansing and scavenging upon such terms as shall be agreed between the town council or burgh commissioners and the district committee or county council, as the case may be, or, failing agreement, upon such terms as shall be fixed by the sheriff, whose decision shall be final.

Scavenging of highways, &c. within special districts.

39. Where a special scavenging district has been or may hereafter be formed under the provisions of the Local Government (Scotland) Act, 1894, the district committee of the district or the county council where the county is not divided into districts, in which such special scavenging district is or may be situated shall, in their discretion, have power to cleanse and scavenge the highways and the footpaths under their management and control within such special scavenging district, or to pay or contribute out of the assessments raised under the Roads and Bridges (Scotland) Act, 1878, for a proportion of the cost of cleansing and scavenging such highways and footpaths.

41 & 42 Vict. c. 51.

Where within such special district any private street or footway, or part thereof, is not levelled, macadamised, paved, channelled, and made good, to the satisfaction of the district committee (or, where the county is not divided into districts, the county council), such authority may, by notice addressed to the respective owners of the premises fronting, adjoining, or abutting on such street or footway, or parts thereof, as may require to be levelled, macadamised, paved, channelled, and made good, order them to do all such works or any of them, and that within a time to be specified in such notice.

If such order is not complied with, the said authority may, if they think fit, execute the works mentioned therein, and may recover in a summary manner the expenses incurred by them in so doing from the owners in default according and in proportion to the frontage and valuation of their respective premises or, in the case of dispute, in such proportion as may be settled by the sheriff.

Provided that it shall be competent to appeal to the sheriff against any such order, and all the provisions of section one hundred and twenty-two of this Act in regard to an appeal to the sheriff against a resolution of a local authority shall, with the necessary modifications, apply to an appeal against such order.

Houses in filthy state to be purified.

40. Where it appears to any local authority that any house or part thereof, or any article of bedding or clothing therein, is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing or purifying of any house or part thereof, or any article of bedding or clothing therein, would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same or any such article, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the local authority may, if they think fit,

cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

Provision for obtaining order for cleansing offensive ditches lying near to or forming boundaries of districts.

41. Where any watercourse or open ditch lying near to or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so as injuriously or dangerously to affect the district of such local authority, any sheriff having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district to appear to show cause why an order should not be made for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such sheriff to be necessary; and such sheriff, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such sheriff may seem reasonable.

Periodical removal of manure from mews and other premises.

42. Notice may be given by any local authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises, except cattle courts, in any special scavenging district, and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the local authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate, and where in any scavenging district it appears to the sanitary inspector that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matters ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within forty-eight hours from the service thereof, the manure, dung, soil, filth, or matter referred to shall be vested in and be sold and disposed of by the local authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed, and the expenses of removal by the local authority of any such accumulation, if and so far as they are not covered by the sale thereof may be recovered by the local authority in a summary manner from the person to whom the accumulation belonged, whom failing, from the occupier or owner of the premises.

Unsound Food.

Inspection and destruction of unsound meat, &c.

43.—(1.) Any medical officer or sanitary inspector or any veterinary surgeon approved for the purposes of this section by

the local authority may at all reasonable times enter any premises within the district of the local authority, or search any cart or vehicle, or any barrow, basket, sack, bag, or parcel, in order to inspect and examine and may inspect and examine

(*a*) any animal, alive or dead, intended for the food of man which is exposed for sale, or deposited in any place or is in course of transmission for the purpose of sale, or of preparation for sale; and

(*b*) any article, whether solid or liquid, intended for the food of man, and sold or exposed for sale, or deposited in any place or in course of transmission for the purpose of sale or of preparation for sale,

the proof that the same was not exposed or deposited or in course of transmission for any such purpose, or was not intended for the food of man, resting with the person charged; and if any such animal or article appears to such medical officer or sanitary inspector or veterinary surgeon to be diseased, or unsound, or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with summarily by a sheriff, magistrate, or justice.

Provided that in the case of any proceeding under this section with regard to a living animal the medical officer or sanitary inspector, unless he is himself a qualified veterinary surgeon, shall be accompanied by a veterinary surgeon approved as aforesaid.

The police force of each police area shall have power to search carts or vehicles, or barrows, baskets, sacks, bags, or parcels, and to assist generally in executing and enforcing this section.

(2.) If it appears to a sheriff, magistrate, or justice, that any animal or article which has been seized or is liable to be seized under this section is diseased, or unsound, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of sale or exposure for sale, or deposit or transmission for the purpose of sale, or of preparation for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding fifty pounds for every animal or article, or if the article consists of fruit, vegetables, corn, bread, or flour, for every parcel thereof so condemned, unless he proves that he and the person acting on his behalf (if any) did not know, and could not with reasonable care have known, that it was in such a condition, or where the proceedings are before a sheriff, at the discretion of the court, if it finds that he has knowingly and wilfully committed the offence, he shall be liable without the infliction of a penalty, to imprisonment for a term of not more than three months with or without hard labour, and also to pay all expenses caused by the seizure, detention, or disposal thereof.

Provided that if such person proves that the animal or part thereof condemned as aforesaid was within a reasonable time prior to the seizure thereof examined upon the premises where the animal was slaughtered and passed by a veterinary surgeon approved as aforesaid called in for the purpose, and who shall have

granted a certificate of passing as nearly as may be as in the next sub-section provided, or by a veterinary surgeon in terms of that sub-section, he shall be exempt from penalty or imprisonment under this section for such offence.

(3.) Each local authority, or two or more local authorities in combination, may, if they think fit, appoint a place or places within its district or their districts, and fix a time or times at which a veterinary surgeon approved as aforesaid shall attend for the purpose of examining any animal alive or dead which may there be submitted to him, and passing or condemning the same, and such veterinary surgeon shall, on receipt of a fee to be fixed by the local authority or authorities and paid by the owner, examine and pass or condemn in whole or in part any animal or carcase so submitted to him; and if he shall pass the same he shall grant a certificate of passing which shall set forth the name of the owner, the date and hour of examination, and such particulars regarding the animal or carcase as the local authority or authorities may prescribe for the purpose of aiding in the subsequent identification of the same; and if he shall condemn the animal or carcase, or part thereof, the animal or carcase or part so condemned shall be retained and be forthwith destroyed by the local authority or authorities or so disposed of as to prevent it from being exposed for sale or used for the food of man, and the owner shall be entitled to the net price realised from the residual product of the carcase or part so condemned, if any, after deducting the expenses of condemnation and destruction. Provided that no carcase shall be submitted for examination, either under this or the immediately preceding sub-section, unless as a whole carcase, including the thoracic and abdominal viscera, in such manner that the examiner shall be readily able to satisfy himself that the organs are those of the carcase under inspection.

(4.) Where it is shown that any animal or article liable to be seized under this section and found in the possession of any person was purchased by him or consigned to him from another person for the food of man, and when so purchased or consigned was in such a condition as to be liable to be seized and condemned under this section, the person who so sold or consigned the same shall be liable to be brought to trial in the district in which such animal or article was seized, and on conviction shall be liable to the penalty and imprisonment above mentioned, unless he proves that, at the time he sold or consigned the said animal or article, he and the person acting on his behalf, if any, did not know, and could not with reasonable care have known, that it was in such a condition.

(5.) A copy of any certificate granted by a veterinary surgeon, under sub-sections two or three of this section, shall forthwith be sent by him to the chief constable of the jurisdiction in which the examination of the animal or carcase took place, and the certificate itself shall be sent by the person selling the animal or carcase forthwith after the sale, and not more than seven days from the date of the certificate, to the chief constable of the jurisdiction in which the sale of the animal or carcase took place, and if any

veterinary surgeon or person shall contravene this enactment he shall be liable to a penalty not exceeding twenty pounds.

(6.) Where a person convicted of an offence under this section has been within twelve months previously convicted of an offence under this section, the sheriff, magistrate, or justice may, if he thinks fit, and finds that the offender knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such form and manner and for such period not exceeding twenty-one days as the sheriff, magistrate, or justice may order, to any premises occupied by that person, and that the person do pay the costs of such affixing, and if any person obstructs the affixing of such notice, or removes, defaces, or conceals the notice while affixed during the said period, he shall for each offence be liable to a penalty not exceeding five pounds.

(7.) If the occupier of a licensed slaughter-house is convicted of an offence under this section the sheriff, magistrate, or justice convicting him may cancel the licence for such slaughter-house.

(8.) If any person obstructs a medical officer, sanitary inspector, or veterinary surgeon as aforesaid in the performance of his duty under this section he shall, where the proceedings are before a sheriff, and where the sheriff is satisfied that the obstruction was with intent to prevent the discovery of an offence under this section, or that the accused has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any penalty authorised by this Act for such obstruction.

(9.) A sheriff, magistrate, or justice, may act in adjudicating on an offender under this section whether he has or has not acted in ordering the animal or article to be destroyed or disposed of.

PART III.

GENERAL PREVENTION AND MITIGATION OF DISEASE.

Infectious Diseases.—Notification.

Notification of infectious disease. 52 & 53 Vict. c. 72.

44. From and after the commencement of this Act the provisions of the Infectious Disease (Notification) Act, 1889, shall extend to and take effect in every district in Scotland, whether it has or has not been adopted before the said commencement.

Infectious Diseases.—Prevention.

Power to inspect premises where infectious disease supposed to exist.

45. The medical officer may, at reasonable times, in the daytime, enter and inspect any house or premises in the district in which he has reason to believe that any infectious disease exists, or has recently existed, and the medical officer may examine any person found on such premises with a view to ascertaining whether such person is suffering, or has recently suffered, from any infectious disease, and in the event of admission, inspection, or examination being refused, the sheriff, or magistrate, or justice may, on reasonable cause shown, grant warrant authorising such entry, inspection, and examination, and on such warrant being obtained and exhibited, any person refusing to admit the medical officer to such

house or premises, or obstructing him in making the inspection or examination aforesaid, shall be liable to a penalty not exceeding forty shillings for every such offence.

Provision of means for disinfecting bedding, &c.

46.—(1.) Every local authority may, and when required by the Board shall, provide, either within or without their district, proper premises with all necessary apparatus and attendance for the destruction and for the disinfection, and carriages or vessels for the removal, of articles (whether bedding, clothing, or other) which have become infected by any infectious disease, and shall cause any such articles brought for destruction or disinfection to be destroyed, or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.

(2.) Any local authorities may execute their duty under this section by combining for the purposes thereof, or by contracting for the use by one of the contracting authorities of any premises, or of any apparatus or appliances, provided for the purpose of this section by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Cleansing and disinfecting of premises, &c.

47.—(1.) Where it appears to the local authority, upon the certificate of the medical officer or any other legally qualified medical practitioner, that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, or the destruction of such articles, would tend to prevent or check any infectious disease, the local authority may serve notice on the occupier, or where the house or part thereof is unoccupied on the owner, of such house or part thereof that the same and any such articles therein will be cleansed and disinfected, or (as regards the articles) destroyed, by the local authority, unless the person so notified informs the local authority, within a time to be specified in the notice from the receipt of the said notice, that he will cleanse and disinfect the house or part thereof and any such articles, or destroy such articles, to the satisfaction of the medical officer or of any other legally qualified medical practitioner, as testified by certificate by him, within a time fixed in the notice.

(2.) If either—

(*a*) within the time specified as aforesaid from the receipt of the notice, the person on whom the notice is served does not inform the local authority as aforesaid; or

(*b*) having so informed the local authority, he fails to have the house or part thereof and any such articles disinfected, or such articles destroyed, as aforesaid within the time fixed in the notice; or

(*c*) the occupier or owner, as the case may be, without such notice gives his consent;

the house, or part thereof, and articles, shall be cleansed and disinfected, or such articles destroyed by the officers of, and at the cost of, the local authority.

(3.) For the purpose of carrying into effect this section the local authority may enter by day on any premises.

(4.) If the local authority deem it necessary to remove from any house or part thereof, or from any tenement of houses, all or any of

the residents not being themselves sick, on account of the existence or recent existence therein of infectious disease, or for the purpose of disinfecting such house or part thereof, or such tenement or part thereof, they may make application to a sheriff, magistrate, or justice, and the sheriff, magistrate, or justice, if satisfied of the necessity of such removal, may grant a warrant authorising the local authority to remove such residents, and imposing such conditions as to time and otherwise as to him may seem fit. Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian. The local authority shall, and they are hereby empowered, to provide temporary shelter or house accommodation, and, if necessary, maintenance with any necessary attendants, free of charge, for such persons while prevented from returning to such house or part thereof or such tenement or part thereof.

(5.) When the local authority have disinfected any house, part of a house, or any article, under the provisions of this section, they shall compensate the occupier or owner of such house, or part of a house, or the owner of such article, for any unnecessary damage thereby caused to such house, part of a house, or article; and when the authority destroy any article under this section they shall reasonably compensate the owner thereof; and the amount of any such compensation shall be recoverable in a summary manner.

For the purpose of this section the word "house" includes any tent or van or any ship lying in any sea, river, harbour, or other water or ex adverso of any place within the limits of the local authority.

Disinfection of bedding, &c.

43.—(1.) Any local authority may serve a notice on the owner of any bedding, clothing, or other articles which have been exposed to the infection of any infectious disease, requiring the delivery thereof to an officer of the local authority for removal for the purpose of destruction or disinfection; and if any person fails to comply with such notice he shall be liable to a penalty not exceeding ten pounds.

(2.) The bedding, clothing, and articles if so disinfected by the local authority, shall be brought back and delivered to the owner free of charge, and if any of them suffer any unnecessary damage, the authority shall compensate the owner for the same, and the authority shall also reasonably compensate the owner for any articles destroyed; and the amount of compensation shall be recoverable in a summary manner.

Persons engaged in washing or mangling clothes to furnish list of owners of clothes in certain cases.

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

and the local authority shall pay to him, her, or them, for every such list, the sum of sixpence, and at the rate of sixpence for every twenty-five names contained therein, but no such payment shall exceed three shillings, and every person who shall wilfully or knowingly offend against this enactment shall, for each such offence, be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

Infectious matter thrown into ash-pits, &c. to be disinfected.

50.—(1.) If a person knowingly casts, or causes or permits to be cast, into any ash-pit, or otherwise exposes any matter or article infected by infectious disease, he shall be liable to a penalty not exceeding five pounds, and, if the offence continues, to a further penalty not exceeding forty shillings for every day during which the offence so continues after the notice hereafter in this section mentioned.

(2.) The local authority shall cause their officers to serve notice of the provisions of this section on the occupier of any house, or part of a house, in which they are aware that there is a person suffering from an infectious disease.

Penalty on letting houses in which infected persons have been lodging.

51.—(1.) Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any infectious disease, without having such house or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer as testified by a certificate signed by him, or (as regards the articles) destroyed, shall be liable to a penalty not exceeding twenty pounds.

(2.) For the purposes of this section, the keeper of an inn or hotel shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or hotel.

Penalty on persons letting houses making false statements as to infectious disease.

52. Any person letting for hire, or showing for the purpose of letting for hire, any house or part thereof, who, on being questioned by any person negotiating for the hire as to the fact of there being, or within six weeks previously having been, therein any person suffering from any infectious disease, knowingly makes a false answer to such question, shall be liable, at the discretion of the sheriff, magistrate, or justice, to a penalty not exceeding twenty pounds, or, where the proceedings are before a sheriff, to imprisonment with or without hard labour, for a period not exceeding one month.

Penalty on ceasing to occupy house without disinfection or notice to owner, or on making false answer

53.—(1.) Where a person ceases to occupy any house, or part of a house, in which any person has within six weeks previously been suffering from any infectious disease, and either—

(*a*) fails to have such house, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer, as testified by a certificate signed by him, or such articles destroyed; or

(*b*) fails to give to the owner or occupier of such house, or part of a house, notice of the previous existence of such disease; or

(*c*) on being questioned by the owner or occupier of, or by any person negotiating for the hire of, such house or part of a house, as to the fact of there having within six weeks

previously been therein any person suffering from any infectious disease, knowingly makes a false answer to such question,

he shall be liable to a penalty not exceeding twenty pounds.

(2.) The local authority shall cause their officers to serve notice of the provisions of this section on the occupier of any house, or part of a house, in which they are aware that there is a person suffering from an infectious disease.

Removal to hospital of infected persons without proper lodging.

54.—(1.) A person suffering from any infectious disease, who is without proper lodging or accommodation, or is so lodged that proper precautions cannot be taken for preventing the spread of the disease, or is lodged in a tent or van, or in a room occupied by others besides those necessarily in attendance on such person, or is on board a ship, may, on a certificate signed by the medical officer or other legally qualified medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed by order of a sheriff, magistrate, or justice, on the application and at the cost of the local authority of the district where such person is found, to any hospital in or within a convenient distance of such district, or, in the case of a combination as herein-after provided, in or within a convenient distance of the combined district, or the sheriff, magistrate, or justice may direct the removal from the room or house occupied by such person of all others not in attendance on him, the local authority providing suitable accommodation for such person or persons; and such person may be detained in such hospital so long as he continues in an infected condition. Provided always that no such order shall be necessary where the removal is carried out with the consent of the patient or his parent or guardian.

(2.) The order may be addressed to any constable or officer of the local authority as the sheriff, magistrate, or justice making the same, thinks expedient; and if any person wilfully disobeys or obstructs the execution of such order, he shall be liable to a penalty not exceeding ten pounds.

Detention of infected persons without proper lodging in hospital.

55.—(1.) A sheriff, magistrate, or justice, on being satisfied on the application of the local authority that a person suffering from any infectious disease is in a hospital, and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person, may direct such person to be detained in the hospital at the cost of the local authority during the time limited by the sheriff, magistrate, or justice, who may enlarge the time as often as appears to him necessary for preventing the spread of the disease.

(2.) The direction may be carried into execution by any officer of any local authority, or by any police constable, or any officer of the hospital.

Penalty on exposure of infected persons and things.

56.—(1.) If any person—

(*a*) while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, inn, hotel, church, or

any place used in common by persons other than members of the family or household to which such infected person belongs; or

(*b*) being in charge of any person so suffering, so exposes such sufferer; or

(*c*) knowingly gives, lends, sells, pawns, transmits, removes, or exposes, or permits to be washed or exposed in any wash-house or washing green which is used in common by persons other than the family or household to which the infected person belongs, without previous disinfection, to the satisfaction of the medical officer or of some legally qualified medical practitioner as certified by him in writing, any bedding, clothing, or other articles which have been exposed to infection from any such disease; or

(*d*) wakes or permits to be waked in any house, room, or place over which he has control the body of any person who has died of any infectious disease;

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

(2.) Provided that proceedings under this section shall not be taken against persons transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected.

Penalty on sending child to school, so as to spread infection.

57. Every parent or person having care or charge of a child who is or has been suffering from infectious disease, or who resides in a house where such disease exists or has existed within a period of three months, who shall knowingly or negligently permit such child to attend school without procuring and producing to the teacher or other person in charge of such school a certificate from the medical officer, which he shall grant free of charge, or from some legally qualified medical practitioner, that such child has become free from disease and infection, and that the house and everything therein exposed to infection has been disinfected to the satisfaction of such medical officer or medical practitioner, shall be liable to a penalty not exceeding forty shillings.

Provided that if a person is not required to send notice in the first instance but only in default of some other person, he shall not be liable to any penalty, if he satisfies the court that he had reasonable cause to suppose that the notice had been duly sent.

Any teacher or person in charge of any school, who shall knowingly permit any child to attend such school in contravention of the provisions of this section, shall be liable to a penalty not exceeding forty shillings.

Prohibitions on infected person carrying on business.

58. No person suffering from an infectious disease, or who is living in an infected house, shall milk any animal, or pick fruit, or shall engage in any occupation connected with food, or carry on any trade or business in such a manner as to be likely to spread such disease, and any person who knowing himself to be suffering from any infectious disease contravenes this section shall be liable to a penalty not exceeding ten pounds.

Prohibition on conveyance, &c. of

59. It shall not be lawful for any owner or person in charge of a public conveyance or ship knowingly to convey therein, or

for any other person knowingly to place therein, a person suffering from any infectious disease, or for a person suffering from any such disease to enter any public conveyance or ship, and any person contravening any of the foregoing provisions shall be liable to a penalty not exceeding ten pounds; and if any person so suffering is conveyed in any public conveyance or ship, the owner or person in charge thereof, as soon as it comes to his knowledge, shall give notice to the local authority, and shall cause such conveyance or ship to be disinfected, and if he fails so to do he shall be liable to a fine not exceeding five pounds, and such owner or person in charge shall be entitled to recover in a summary manner from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expense incurred by him in connexion with such disinfection. It shall be the duty of the local authority, when so requested by such owner or person in charge, to provide for the disinfection of the same, and they may do so free of charge. But nothing contained in this section shall prevent the removal by railway train or by ship of persons suffering from infectious disease, if they are conveyed within an ambulance-waggon, or other proper vehicle provided or approved by the local authority.

Infected person in public conveyance.

60.—(1.) If the medical officer of any district has evidence that any person in the district is suffering from an infectious disease attributable to milk supplied within the district from any dairy situate within the district, or that the milk from any such dairy is likely to cause any such disease to any person residing in the district, such medical officer shall visit such dairy, and the medical officer shall examine the dairy and every person engaged in the service thereof or resident upon the premises or who may be resident in any premises where any person employed in such dairy may reside, and if accompanied by a veterinary surgeon approved as aforesaid shall examine the animals therein, and the medical officer shall forthwith report the results of his examination accompanied by the report of the veterinary surgeon, if any, to the local authority or any committee of the local authority appointed under section fourteen to deal with such matters.

Inspection of dairies, and power to prohibit supply of milk.

(2.) If the medical officer of any district has evidence that any person in the district is suffering from any infectious disease attributable to milk from any dairy without the district, or that the milk from any such dairy is likely to cause any such disease to any person residing in the district, such medical officer shall forthwith intimate the same to the local authority of the district in which such dairy is situate, and such other local authority shall be bound, forthwith, by its medical officer to examine the dairy and the persons aforesaid, and by a veterinary surgeon approved as aforesaid, to examine the animals therein, previous notice of the time of such examination having been given to the local authority of the first-mentioned district, in order that the medical officer or any veterinary surgeon approved as aforesaid may, if they so desire, be present at the examinations referred to, and the medical officer of the second-mentioned local authority shall forthwith

report the results of his examination, accompanied by the report of the veterinary surgeon, if any, to that local authority or any committee of that local authority appointed under section fourteen of this Act to deal with such matters.

(3.) The local authority of the district in which the dairy is situated, or any committee appointed for the purpose, shall meet forthwith and consider the reports together with any other evidence that may be submitted by parties concerned, and shall either make an order requiring the dairyman not to supply any milk from the dairy until the order has been withdrawn by the local authority, or resolve that no such order is necessary.

(4.) Where proceedings are taken or any order is made under this section by the local authority of a district other than a burgh, it shall not be competent to appeal against the said proceedings or against said order to the county council.

(5.) The local authority may, if the dairy is within the district, require the dairyman not to supply milk either within or without the district, and shall give notice of the fact to the local authority of any district within which they believe milk to be supplied from such dairy.

(6.) Any such order shall be forthwith withdrawn on the local authority, or their medical officer on their behalf, being satisfied that the milk from the dairy is no longer likely to cause infectious disease.

(7.) It shall be open to any local authority or dairyman aggrieved by any such resolution or order, or withdrawal of order, to appeal in a summary manner to a sheriff having jurisdiction in the district in which the dairy is situated, and the sheriff may either make an order requiring the dairyman to cease from supplying milk, or may vary or rescind any order which has been made by the local authority, and he may at any time withdraw any order made under this section. Pending the disposal of any such appeal the order shall remain in force.

(8.) If any person refuses to permit the medical officer or veterinary surgeon of either local authority to make examination as above provided, or, after any order has been made under this section, supplies milk in contravention of the order, he shall be liable to a penalty not exceeding ten pounds, and, if the offence continues, to a further penalty not exceeding five pounds for every day during which the offence continues.

(9.) Provided that—

(*a*) proceedings in respect of the offence shall be taken before a sheriff having jurisdiction in the place where the dairy is situate; and

(*b*) a dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(10.) Nothing in or done under this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1886, or of any order, licence, or act of the Privy Council or the Board thereunder, or of any regulation, licence, or act of a local authority, made, granted, or done under any such order of the Privy Council or the Board, or exempt any dairy building or

thing, or any person from the provisions of any general Act relating to dairies, milk, or animals.

Dairymen to supply information and to produce list of customers and invoices.

61. Whenever it shall be certified to the local authority, by the medical officer or other legally qualified medical practitioner, that the outbreak or spread of infectious disease within the district is, in the opinion of such medical officer or medical practitioner, attributable to milk supplied by any dairyman, whether wholesale or retail, or to milk supplied by one or other of several such dairymen, whether wholesale or retail,—

(1.) The local authority may require such dairyman, whether within or without the district, to furnish to them within a time to be fixed by them, being not less than twenty-four hours, a full and complete list of the names and addresses of all his customers within the district so far as known to him, and such dairyman shall furnish such list accordingly, and the local authority shall pay to him for every such list at the rate of sixpence for every twenty-five names contained therein; and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings;

(2.) The local authority may require such dairyman to furnish to them, within a time to be fixed by them, a full and complete list of the names and addresses of the farmers, dairymen, or other parties from whom, during a period to be specified, the milk, or any part of the milk which they sell or distribute, was obtained, and, if required, to produce and exhibit to the medical officer, or to any person deputed by him, all invoices, pass-books, accounts, or contracts, connected with the consignment or purchase of milk during such period, and such dairymen or others shall furnish such lists and produce and exhibit such invoices, pass-books, accounts, or contracts, accordingly; and every person who shall wilfully or knowingly offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings;

(3.) In any case where the person liable to any penalty under this section is not resident within the district, such penalty may be sued for at the instance of the procurator fiscal before the sheriff of the county in which such person is either domiciled or carries on business.

Prohibition of retention of dead body in certain cases.

62.—(1.) A person shall not without the sanction in writing of the medical officer, or of a legally qualified medical practitioner, retain unburied for more than forty-eight hours elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom, the body of any person who has died of any infectious disease.

(2.) If a person acts in contravention of this section he shall be liable to a penalty not exceeding five pounds.

Body of person dying of infectious

63.—(1.) If a person dies in a hospital or place of temporary accommodation for the sick from any infectious disease, and the

disease in hospital, &c. to be removed only for burial.

medical officer, or any legally qualified medical practitioner, certifies that in his opinion it is desirable, in order to prevent the risk of communicating such disease or of spreading infection, that the body be not removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of such hospital or place shall be forthwith taken direct to the place of burial and there buried.

(2.) If any person wilfully offends against this section he shall be liable to a penalty not exceeding ten pounds.

(3.) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital.

Disinfection of public conveyances if used for carrying corpses.

64. If—

(*a*) a person hires or uses a public conveyance, or a conveyance that is let for hire, other than a hearse, for conveying the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of the conveyance that such person died from such disease; or

(*b*) the owner or driver, immediately on its coming to his knowledge that such conveyance is being or has been used for conveying such body, does not take all reasonable precautions to prevent the spread of infection, or does not forthwith give intimation to the local authority and provide for the disinfection of the conveyance to the satisfaction of the local authority,

such person or such owner or driver shall be liable to a penalty not exceeding five pounds, and, if the offence continues, to a further penalty not exceeding forty shillings for every day during which the offence continues.

Byelaws as to public conveyances.

65. The local authority may make byelaws for securing the cleanliness and sanitary condition of public conveyances plying within its district, and for preventing overcrowding in such conveyances.

Hospitals and Ambulances.

Power of local authority to provide hospitals.

66.—(1.) Any local authority may, and if required by the Board shall, provide, furnish, and maintain for the use of inhabitants of their district suffering from infectious disease, hospitals, temporary or permanent, and houses of reception for convalescents from infectious diseases, or for persons who have been exposed to infection, and for that purpose may—

(*a*) themselves build such hospitals or houses; or

(*b*) contract for the use of any such hospital or house or part thereof; or

(*c*) enter into any agreement with any person having the management of any such hospital or house or part thereof on payment of such annual or other sum as may be agreed on;

(*d*) any local authority, with the consent of the Board, may also or in place of providing such hospitals or houses as aforesaid, employ nurses to attend the persons suffering from infectious

disease in their own houses, and also supply medicines and medical attendance for such sick.

(2.) Two or more local authorities may, and if required by the Board shall, combine in providing, furnishing and maintaining a common hospital or house of reception, or in employing nurses on terms to be agreed on, and failing agreement to be fixed by the Board, whose determination shall be binding.

(3.) No contract for the use of any such hospital or house or part thereof shall be entered into without the consent of the Board, and no such hospital or house of reception shall be provided, unless and until the site and plans for the construction thereof have been approved of by the Board. Provided always that such site shall be in or within a convenient distance of the district of the local authority, or, in the case of a combination in terms of this section, in or within a convenient distance of the combined district.

(4.) A local authority may with the sanction and subject to regulations made by the Board provide and maintain one or more portable hospitals for the use of their district.

Provision of conveyance for infected persons.

67. A local authority may provide and maintain, or may combine with one or more local authorities in providing and maintaining, carriages suitable for the conveyance of persons suffering from any infectious disease, and pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Mortuaries, &c.

Power of local authority to provide mortuaries.

68. Every local authority may provide and fit up a proper place or places for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for the use of the same.

Power of sheriff, &c., in certain cases to order removal of dead body to mortuary.

69.—(1.) Where either—

(*a*) the body of a person who has died of any infectious disease is retained in a room in which persons live or sleep; or

(*b*) the body of a person who has died of any infectious disease is retained without the sanction in writing of the medical officer or any legally qualified medical practitioner for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or workroom; or

(*c*) any dead body is retained in any house or room or ship under circumstances which, if continued, may endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building; or

(*d*) any dead body found within the district is unclaimed or no sufficient person undertakes to bury it,

a sheriff, magistrate or justice may, on a certificate signed by a medical officer or other legally qualified medical practitioner, direct that the body be removed, at the cost of the local authority, to any available mortuary, and be buried within the time limited by the sheriff, magistrate or justice; and may if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

(2.) Unless the friends or relations of the deceased undertake to bury and do bury, the body within the time so limited, it shall be the duty of the local authority to bury such body, and any expense so incurred may be recovered by them in a summary manner from any person legally liable to pay the expenses of such burial.

(3.) It shall not be lawful to transport the body of any person who has died of any infectious disease by railway or other public conveyance, not being a conveyance reserved for such purpose, unless and until the medical officer, or other legally qualified medical practitioner, has certified that every precaution necessary for the public safety has been adopted to his satisfaction, and any undertaker or other person who shall without such certificate knowingly remove or assist in removing, and any person who shall procure or endeavour to procure the removal of such dead body without having obtained such certificate shall be liable to the penalty herein-after mentioned in this section.

(4.) If any person obstructs the execution of any direction given by a sheriff, magistrate, or justice under this section, he shall be liable to a penalty not exceeding five pounds.

Power of local authority to provide places for post-mortem examinations.

70.—(1.) Any local authority may provide and maintain a proper building (otherwise than at a poorhouse) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a lawful authority, and may make regulations with respect to the management of such building.

(2.) Any such building may be provided in connexion with a mortuary, but this enactment shall not authorise the conducting of any post-mortem examination in a mortuary.

Power to sanitary authorities to unite for providing mortuary.

71. Any local authorities may, with the approval of the Board, execute their duty under this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Byelaws as to Houses let in Lodgings.

Power of local authority to make byelaws as to lodging-houses.

72.—(1.) Every local authority may, and if required by the Board shall, make and enforce for the whole or any part of their district such byelaws as are requisite for the following matters; (that is to say,)

(*a*) for fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family:

(*b*) for the registration of houses so let or occupied:

(*c*) for the inspection of such houses:

(*d*) for enforcing sufficient privy or watercloset accommodation and other appliances and means of cleanliness in proportion to the number of lodgers or occupiers, drainage for such houses, and for promoting cleanliness and ventilation in such houses, and for the cleansing and ventilation of the common passages and staircases:

(*e*) for the cleansing and limewashing at stated times of the premises:

(*f*) for the giving of notices and the taking of precautions in case of any infectious disease.

(2.) This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses, but shall apply to farmed-out houses, that is to say, to houses of one or two apartments taken on lease by any person, and let or rented to several occupiers for limited periods as furnished apartments, as also to all boarding-houses for seamen and emigrants, irrespective of the charge made for the board and lodging therein.

Tents and Vans.

Tents and vans used for human habitation.

73.—(1.) A tent, van, shed, or similar structure, used for human habitation, which is in such a state as to be a nuisance or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, shall be a nuisance liable to be dealt with summarily under this Act.

(2.) A local authority may make byelaws for promoting cleanliness in, and the habitable condition of, tents, vans, sheds, and similar structures, used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connexion with the same.

(3.) Where the medical officer or sanitary inspector has reasonable cause to believe either—

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

(*b*) that there is in any such tent, van, shed, or structure, any person suffering from an infectious disease, or that any infectious disease has recently existed therein,

he may enter at reasonable times in the daytime, such tent, van, shed, or structure, and examine the same and every part thereof, and the medical officer may examine any person found therein, in order to ascertain whether such tent, van, shed, or structure, is in such a state or so overcrowded as aforesaid, or whether there is therein any such contravention, or a person suffering from an infectious disease, and the provisions of this Act with respect to the entry into any premises by an officer of the local authority shall be in force for the purposes of this section.

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

Underground Dwellings.

Rules as to underground dwellings.

74. 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 or any vault or underground room, whether conjoined or not with another apartment not having one of its external sides entirely above the level of the street or ground adjoining the same, and not having a window or other opening in

such side, which cellar, vault, or room in every part shall be less in height from the floor to the ceiling than eight feet in the case of houses built prior to the commencement of this Act, or less in height than nine feet in the case of houses built subsequently to the commencement of this Act, 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 cellar, 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 earth-closet 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 cellar, 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 cellar shall be part of a house built before the commencement of this Act) or which shall not be well and effectually drained by means of a drain, constructed of a gas-tight pipe or otherwise effectually sealed, 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 or occupation 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 vault, cellar, or underground room.

Penalty on letting underground dwellings.

75. Every person who lets separately, or who knowingly suffers to be occupied for hire, or permits to be occupied as a dwelling, any vault, cellar, or underground 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.

76. 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 was or was not the same, it shall be lawful for the sheriff 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.

Vaccination.

Cost of vaccination.

77. The local authority may defray the cost of vaccinating or re-vaccinating such persons as to them may seem expedient.

PART IV.

PREVENTION OF EPIDEMIC DISEASES.

General power of Board to make regulations.

78. The Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with any epidemic, endemic, or infectious disease, and preventing the spread of such diseases, as well on the seas, rivers, and waters of Scotland, and on the high seas within three miles of the coast thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed.

Power of Board to make regulations for certain purposes.

79. Whenever any part of Scotland appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Board may make and from time to time alter and revoke regulations for all or any of the following purposes; (namely,)

(1.) For the speedy interment of the dead;

(2.) For house to house visitation;

(3.) For the provision of medical aid, dispensing of medicine, and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease;

(4.) For any such matters or things as may to them appear advisable for preventing or mitigating such disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any ships, whether in ports or on inland waters or on arms or parts of the sea within the jurisdiction of the Admiralty, for the period in such order mentioned; and may by any subsequent order abridge or extend such period.

The Board may with the consent of the Treasury, employ such additional clerks as may be necessary during such period, and the remuneration of such clerks, and the office expenses incurred under this Part of this Act by the Board, shall be defrayed out of money to be provided by Parliament.

Publication of regulations and orders.

80. All regulations and orders made by the Board in pursuance of this Part of this Act shall be published in the Edinburgh Gazette, and such publication shall be conclusive evidence thereof for all purposes.

Local authority to see to execution of regulations.

81. The local authority of any district within which or part of which regulations so issued by the Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require.

Power of entry.

82. The local authority and their officers shall have power of entry on any premises for the purpose of executing or superintending the execution of any regulations so issued by the Board as aforesaid

Board may combine local authorities.

83. The Board may, if they think fit, by order authorise or require any two or more local authorities to act together for the purposes of this Part of this Act, and may prescribe the mode of such joint action, and of defraying the costs thereof.

When regulation in force, overcrowded houses to come under common lodging-houses provisions.

84. When any such regulation so issued by the Board is in force in any place, on the certificate of a medical officer, or of two duly qualified medical practitioners, or on the report of a sanitary inspector, 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.

Enforcement of regulations by Government officers, &c.

85.—(1.) Regulations of the Board made in pursuance of this Part of this Act may provide for such regulations being enforced and executed by the officers of Customs and the officers and men employed in the Coastguard as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by this Part of this Act may provide for—

(*a*) the signals to be hoisted by vessels having any case of epidemic, endemic, or infectious disease on board; and

(*b*) the questions to be answered by masters, pilots, and other persons on board any vessel as to cases of such disease on board during the voyage or on the arrival of the vessel; and

(*c*) the detention of vessels and of persons on board vessels; and

(*d*) the duties to be performed in cases of such disease by masters, pilots, and other persons on board vessels.

(2.) Provided that the regulations shall be subject to the consent—

(*a*) so far as they apply to the officers of Customs, of the Commissioners of Her Majesty's Customs; and

(*b*) so far as they apply to officers or men employed in the Coastguard, of the Admiralty; and

(*c*) so far as they apply to signals, of the Board of Trade.

Regulations to be uniform.

86. In the making of the regulations referred to in this Part of this Act regard shall be had to the expediency of uniform regulations throughout the whole of the United Kingdom.

Penalties.

87. If any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulation made under this Part of this Act, he shall be liable to a penalty not exceeding one hundred pounds, and in the case of a continuing offence to a further penalty not exceeding fifty pounds for every day during which the offence continues; and any such penalty shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the Board, or by any local authority with the consent of the Board, in any competent Court.

Transfer of power under 39 & 40 Vict. c. 36. s. 234.

88. The powers exerciseable by Her Majesty in Council or any two of the Lords of Her Majesty's Privy Council under section two hundred and thirty-four of the Customs Consolidation Act, 1876, shall be exerciseable by the Board, provided that any Orders of the Board shall apply to ships coming to any port in Scotland; and the penalties under that section may be sued for, prosecuted, and recovered with expenses at the instance of the Lord Advocate on

behalf of the Board, or of any local authority with consent of the Board, by proceedings in any competent Court.

PART V.

Regulation of Common Lodging-Houses.

Common lodging-houses to be registered.

89. 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 authorised according to this Act to be kept therein, and in each apartment thereof; provided that the keeper of every common lodging-house shall apply to the local authority at or previous to the fifteenth day of May in every year for a renewal of such registration; and the local authority may refuse to register any house which they do not consider suitable for the purposes of a common lodging-house, and as the keeper of a common lodging-house any person who does not produce to the local authority a certificate of character in such form as the local authority shall direct, but notwithstanding such certificate the local authority may, if they see fit, make further inquiry, and may thereafter refuse to register, if they are satisfied that the person applying is not qualified to be the keeper of a common lodging-house; and the local authority may from time to time, with the approval of the Board, raise or diminish the sum payable per night, according to which, as in this Act 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.

90. It shall not be lawful to keep or use as a common lodging-house any house, or to receive or retain any lodgers therein, unless such house shall have been inspected for that purpose by the inspector of common lodging-houses for the district, and approved by the local authority, and shall have been and be registered as by this Act provided: and if any person shall contravene this enactment he shall be guilty of an offence under this Act, and if, in the opinion of the local authority, any common lodging-house on the register, or the keeper thereof, shall cease to be suitable for the purpose, the local authority may present a petition to the sheriff for authority to remove such house from the register either permanently or until there is a change of circumstances, and the sheriff, if he thinks fit, may grant warrant accordingly.

Evidence of register.

91. 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 byelaws.

92. The local authority may from time to time make byelaws respecting common lodging-houses within its jurisdiction for the keeping and 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 enforcing sufficient privy or watercloset accommodation and other appliances and means of cleanliness in proportion to the number of lodgers and occupiers, as also proper drainage and ashpits for such houses, 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.

Copy of byelaws, to be furnished gratis to keepers

93. A copy of all such byelaws made by the local authority in pursuance of this Act, when confirmed as herein-after provided and printed, 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.

Power to local authority to require additional supply of water.

94. Where it appears to the local authority that a common lodging-house is without a proper supply of water or without sufficient privy or watercloset accommodation for the use of the lodgers, and that such a supply of water 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 those purposes; and if such notice be not complied with accordingly, the local authority may remove the common lodging-house from the register until it be complied with. It shall be competent to any person interested to appeal to the sheriff against any resolution of the local authority removing a common lodging-house from the register under this section; but in the case of a district other than a burgh the appeal to the sheriff shall only arise after the county council has disposed of any appeal which may have been brought before them.

Power to local authority to order reports from keepers.

95. 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 to hospitals, &c.

96. When a person in a common lodging-house is ill of any infectious disease, the local authority may, without further warrant than this Act, 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, or of any legally qualified medical practitioner, that the disease is infectious and that the patient may be

safely removed, but if removal be considered dangerous to life by such officer or medical practitioner and is so certified, no lodger shall be admitted to such lodging-house until it is certified free from infection; 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.

As to giving notice of fever, &c. occurring.

97. The keeper of a common lodging-house shall, when a person in such house is ill of any infectious disease, give immediate notice thereof either to the medical officer or to the inspector of common lodging-houses, who shall forthwith inform the medical officer, and if he is satisfied that the person is suffering from an infectious disease, he shall cause the patient to be removed without delay, and shall cause the premises to be disinfected.

Provided always, that if the medical officer considers the patient not fit to be removed with safety, until it is certified by him that the premises are free from infection the house shall not be used as a common lodging-house, except such part thereof as may be certified by the medical officer to be free from infection, and the local authority may make provision for the temporary shelter or house accommodation, and, if necessary, maintenance at a rate not exceeding the same payment per night as usually paid by persons frequenting said lodging-house while such persons are prevented from returning to such common lodging-house.

Inspection.

98. 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.

Cleansing.

99. The keeper of a common lodging-house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, waterclosets, earth-closets, 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 or byelaw 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.

100. 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.

PART VI.

SEWERS, DRAINS, AND WATER SUPPLY.

Sewers and Drains.

Sewers to be vested in local authority, &c.

101. All sewers 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 or in pursuance of any Act of Parliament or provisional order, together with all manways, lampholes, ventilating shafts, cesspools, surface gratings and their connections, sluices, and all appliances pertaining thereto, 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.

102. The local authority may, in terms of sections one hundred and forty-four and one hundred and forty-five of this Act, 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 this Act.

Power to make sewers.

Sewers to be cleansed.

103. The local authority shall have power to construct within their district, and also when necessary for the purpose of outfall or distribution or disposal or treatment of sewage, without their district, such sewers as they may think necessary for keeping their district properly cleansed and drained, and may carry such sewers through, across, or under any public 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 a 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, maintained, 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, subject to the provisions of the Rivers Pollution Prevention Acts, 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 or disposal or treatment 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.

Notice to be given before commencing sewage works without district.

104. A local authority shall, three months at least before commencing under the provisions of this Act the construction of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more newspapers circulating in the district, or by the posting of handbills throughout the district where the work is to be made. Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the parishes and the public roads and streets and other lands (if any) through, across, under, or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, tenants or reputed tenants, and occupiers of the said lands, and on the local authority and county council where such district is situate.

In case of objection, work not to be commenced without sanction of Board.

105. If any such owner, tenant, or occupier, or any such local authority or county council, or any other owner, tenant, or occupier who would be affected by the intended work, objects to such work and serves notice in writing of such objection on the local authority at any time within the said three months, the intended work shall not be commenced without the sanction of the Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

Inspector to hold inquiry and report to Board.

106. The Board may, on application of the local authority desirous of constructing said work, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector the Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

Protection for railways, canals, &c.

107. Where any sewer shall pass under or across, or in any way affect any railway or canal, or any bridge, tunnel, or other work in connection therewith, the following provisions for the protection of such railway or canal, or bridge, tunnel, or other work, shall apply and have effect:—

(1.) The whole works connected with such sewer, so far as affecting any railway or canal, or bridge, tunnel, or other work, shall be executed and thereafter maintained under the superintendence and to the reasonable satisfaction of the engineer of the railway or canal company, and according to plans and specifications to be previously submitted to such engineer and approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of such plans and specifications within fourteen days after the same shall have been submitted to him, he shall be deemed to have approved thereof;

(2.) Such works, and any alteration which it may at any time be necessary to make in such works, may be executed either by the local authority or by the railway or canal company at the option of the engineer of the railway or canal company;

(3.) In the event of the local authority and the engineer of the railway or canal company differing in opinion in regard to any works affecting the railway, or canal, or bridge, tunnel, or other work, or as to the mode of carrying out such works, or otherwise in relation thereto, such difference shall, on the application of the local authority, or of the railway or canal company, be referred to an engineer to be appointed by the sheriff, and shall be decided by the sheriff upon the report of such engineer, and such decision shall be final.

Powers of utilizing sewage.

108. 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 or disposal or treatment thereof over land, and as to the works to be made for the purpose of such supply or distribution or disposal, or treatment, 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, in terms of the provisions of sections one hundred and forty-four and one hundred and forty-five of this Act, contract for, purchase, or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, distributing, or disposing of or treating sewage.

Power of entry.

109. 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, after written notice to such owner and occupier, 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 authorised, to enter and do all or any of the works or operations foresaid at all reasonable times in the daytime.

Power to drain into sewers of local authority.

110. Any owner or occupier of premises within the district of a local authority liable for the public health general assessment or special sewer 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. Provided always that the sewage so emptied or discharged into the sewers is not of a nature to cause damage to the structure of the sewer or, by admixture with other sewage therein, to cause a nuisance.

Use of sewers by persons beyond district.

111. 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 public health general assessment or special sewer assessment may cause any sewer or drain from such premises to communicate with any sewer of the local authority; provided always, that such sewer of the local authority and any works connected therewith are of sufficient capacity and otherwise suitable for receiving such additional drainage; and that upon such terms and conditions as may be agreed upon between such owner or occupier and such local authority, and any dispute which may arise under this section shall be determined summarily by the sheriff. Provided always that the additional sewage so to be emptied or discharged into the sewers is not of a nature to cause damage to the structure of the sewer or, by admixture with other sewage therein, to cause a nuisance.

Penalty for making unauthorised drains.

112. Every person, not being authorised 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, and the local authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them.

Estimates for work.

113. Before entering into any contract for executing any such work as herein-before or after mentioned, falling under this part 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, &c.

114. 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, or subway, or other structure shall be made, and no pipes of any kind shall be laid so as to interfere with any such sewer.

Sewers to be trapped.

115. All sewers and drains, whether public or private, shall be sufficiently trapped and ventilated by the persons to whom they severally belong to the satisfaction of the local authority.

Distilleries, &c. to deposit refuse.

116. 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 or dangerous to the health of those living in the vicinity thereof, or to use the best practicable means for rendering the same inoffensive or innoxious before discharging it into any river, stream, ditch, sewer, or other channel.

Prohibition against interrupting free flow of sewage.

117.—(1.) It shall not be lawful for any person to throw or suffer to be thrown or to pass into any sewer of a local authority, or any drain communicating therewith, any matter or substance by which the free flow of the sewage or surface or storm water may be interfered with, or by which any such sewer or drain may be injured.

(2.) Every person offending against this enactment shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding twenty shillings.

Placing carcases in running water, &c.

118. It shall not be lawful for any person to throw, or suffer to be thrown into any running water, spring, well, lake, pool, reservoir, drain, or ditch, the carcase of any animal or part thereof, and any person offending against this section shall be liable to a penalty not exceeding ten pounds.

Drain discharging below low-water mark.

119. If the local authority shall consider it necessary for public health that any drain should discharge itself below low-water mark, they shall be entitled, with the consent of the Board of Trade and of the Commissioners of Woods and Forests (without prejudice to any question as to the right to the foreshores), to construct the requisite works for that purpose.

As to drainage of houses.

120. If a house, distillery, manufactory, or other work, 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, or work, 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 yards 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.

Provided that where in the opinion of the local authority greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such sewer and require the owners of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned from such owners, or in case of dispute the matter shall be determined summarily by the sheriff.

Local authorities may combine as to sewerage.

121. Two or more local authorities may, with the sanction of the Board, combine together for the purpose of executing or acquiring an interest in or maintaining any works by this Act

or any other Act authorised in regard to sewerage or drainage that may be for the benefit of their respective districts; and all moneys which they may agree to contribute for the execution or acquisition or maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution, acquisition, or maintenance of works within their district.

Special drainage districts.

122.—(1.) Upon requisition to that effect made in writing by a parish council or by not fewer than ten ratepayers within the district of a local authority not being the local authority of a burgh, the local authority shall be bound to meet, after twenty-one days notice, or, if the local authority itself so resolve, it may meet after twenty-one days notice, and shall, whether sewers or drains have been already constructed or not, consider the propriety of—

(*a*) forming part of their district into a special drainage district; or

(*b*) enlarging or limiting the boundaries of a special drainage district; or

(*c*) combining a special drainage district with another special drainage district; or

(*d*) enlarging or limiting the boundaries of both or either of such special drainage districts and combining the same or parts thereof; or

(*e*) determining that any special drainage district shall cease to exist as a special drainage district, or that any such combination shall cease;

and the resolution of the local authority shall determine all questions regarding the payment of any debt which may affect any district or special drainage district, and the right to impose and the obligation to pay any assessment affected by such determination, and shall fix the date at which such determination shall take effect; and such resolution shall be published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and a copy of said resolution shall be forthwith transmitted to the Board, and, where the local authority is a district committee, to the county council; and the production of such newspaper or handbill, or a certificate under the hand of the clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within twenty-one days after the date of the first publication of such resolution it shall be competent for any person interested to appeal against the resolution, whatever its terms may be, 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, or may find that such special drainage district or part thereof shall be combined as

prayed, or that such combination shall cease, or that such special drainage district or districts shall, as such, cease to exist; and the decision of the sheriff shall be binding, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff.

(2.) The order of the sheriff shall determine all questions regarding the payment of any debt which may affect any district or special drainage district, and the right to impose, and the obligation to pay, any assessment affected by his determination, and shall fix the date at which such determination shall take effect, and a copy of any order pronounced by the sheriff shall be forthwith published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and transmitted to the Board and to the county council.

(3.) Where a district committee is the local authority, notwithstanding the provisions of section seventeen, sub-section two, sub-head (*c*) of the Local Government (Scotland) Act, 1889, it shall not be competent to appeal to the county council against any resolution of the district committee under this section.

52 & 53 Vict. c. 50.

(4.) Where a special drainage district has been formed, or may hereafter be formed under the provisions of this Act, the district committee of the district in which such special drainage district is or may be situated, or the county council where a county is not divided into districts, shall in their discretion have power to provide for the drainage of the highways and footpaths under their management and control within such special drainage district, or to pay or contribute out of the assessments raised under the Roads and Bridges (Scotland) Act, 1878, a proportion of the cost of providing and maintaining sewers sufficient for the drainage of such highways and footpaths.

41 & 42 Vict. c. 51.

(5.) Nothing contained in this Act shall prejudice the provisions of sub-sections one and two of section eighty-one of the Local Government (Scotland) Act, 1889, as amended by section forty-four of the Local Government (Scotland) Act, 1894.

57 & 58 Vict. c. 58.

Works of distribution of sewage to be deemed a land improvement. 27 & 28 Vict. c. 114.

123. 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 authorised by the Improvement of Land Act, 1864, and the provisions of that Act shall apply accordingly.

Water Supply.

Supply of water for burghs. 55 & 56 Vict. c. 55.

124. With respect to burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, or having a local Act for police or other purposes nothing contained in this Act shall prejudice the provisions of any of the said Acts in regard to the provision of a supply of water for the domestic use of the inhabitants and for sanitary and other purposes. Provided that in the Burgh Police (Scotland) Act, 1892, and in the Lands Clauses Acts, so far as incorporated therewith, or authorised thereby to be put in force the term "land" shall include water and any right or servitude to or over land or water.

Local authority to require water to be supplied to houses in certain cases.

125. If any occupied house within the district of any local authority other than the local authority of a burgh is without a proper supply of wholesome water at or reasonably near the same, the local authority shall require the owner to obtain such supply and to do all such works as may be necessary for that purpose, and failing his doing so, within twelve months after due notice, the local authority may themselves obtain such supply and for that purpose may use their powers of acquiring land by agreement or otherwise under this Act; and may, for the purpose of obtaining such supply, enter upon the premises and execute all such works as may be necessary; and the local authority may recover in a summary manner from the owner the whole or a reasonable part of the expenses incurred by them under this section: Provided that where the owners of two or more houses have failed to comply with the requirements of the notice served on them under this section, and the local authority might under this Act execute the necessary works for providing a water supply for each house, the local authority may, if it appears to them desirable and no greater expense would be occasioned thereby, execute works for the joint supply of water to those houses, and apportion the expenses as shall be just, and further provided that if any question shall arise under this section it shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case, and whose decision shall be final. Provided that nothing in this section shall relieve the local authority from the duty of providing their district or any part thereof with a supply of water, where a general scheme for such supply is required, and can be carried out at a reasonable cost.

Supply of water for districts other than burghs.

126. With respect to districts other than burghs the following provisions shall have effect:—

(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 sanitary and other purposes, and for that purpose may acquire and conduct water from any lake, river, spring, 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 and be subject to all the obligations imposed on the promoters of undertakings by the Lands Clauses Acts as amended by this Act: Provided also, that it shall not be lawful for the local authority to provide or supply water within any area which any local authority or any company, established by Act of Parliament or empowered by or authorised by Provisional Order, is authorised to supply with water, unless the local authority shall previously have purchased or acquired the undertaking of such local authority or company.

(2.) The local authority, if they have any surplus water after fully supplying what is required for domestic and sanitary purposes, may supply water from such surplus to any public baths and wash-houses, or for trading or manufacturing and all other than domestic 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 persons so supplied both with the portion of the special water assessment applicable to the buildings or premises supplied, and also for the supply of water obtained; but the local authority may either charge the said assessment leviable on such buildings or premises, or charge for the supply of water furnished to the same as they shall think fit, and the local authority shall have the same remedies and powers of recovering payment of such water rents or payments as are herein-after provided with regard to the special water assessment.

(3.) 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, or may substitute, maintain, and plentifully supply with water other such works equally convenient; 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 rates.

(4.) The local authority shall have the same powers and be subject to the same restrictions for carrying water mains within their district as they have and are subject to for carrying sewers within their district by the law for the time being in force.

Penalty for causing water to be corrupted by gas washings, &c.

127. Any person engaged in the manufacture of gas, naphtha, vitriol, paraffin, 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 or used for the supply of water for drinking or other domestic purposes shall be fouled, shall forfeit for every such offence a sum not exceeding fifty pounds.

Penalties to be sued for within six months.

128. 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 continuance of offence.

129. 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 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 moneys 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.

Local authorities may combine as to water supply.

130. Two or more local authorities may, with the sanction of the Board, combine together for the purpose of executing or acquiring an interest in or maintaining any works by this Act or any other Act authorised in regard to water supply that may be for the benefit of their respective districts; and all moneys which they may agree to contribute for the execution or acquisition or maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution, acquisition, or maintenance of works within their district.

Special water supply districts.

131.—(1.) Upon requisition to that effect made in writing by a parish council or by not fewer than ten ratepayers within the district, the local authority, not being the local authority of a burgh, shall be bound to meet, after twenty-one days notice, or, if the local authority itself so resolve, it may meet after twenty-one days notice, and shall, whether water supply has been already provided or not, consider the propriety of—

(*a*) forming part of their district into a special water supply district; or

(*b*) enlarging or limiting the boundaries of a special water supply district; or

(*c*) combining a special water supply district with another special water supply district; or

(*d*) enlarging or limiting the boundaries of both or either of such special water supply districts, and combining the same or parts thereof; or

(*e*) determining that any special water supply district shall cease to exist as a special water supply district, or that any such combination shall cease:

and the resolution of the local authority shall determine all questions regarding the payment of any debt which may affect any district or special water supply district, and the right to impose and the

obligation to pay any assessment affected by such determination, and shall fix the date at which such determination shall take effect; and such resolution shall be published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and a copy of said resolution shall be forthwith transmitted to the Board, and where the local authority is a district committee to the county council; and the production of such newspaper or handbill, or a certificate under the hand of the clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within twenty-one days after the date of the first publication of such resolution it shall be competent for any person interested to appeal against the resolution (whatever its terms may be) 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, or may find that such special water supply district or part thereof shall be combined as prayed, or that such combination shall cease, or that such special water supply district or districts shall, as such, cease to exist; and the decision of the sheriff shall be binding, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff.

(2.) The order of the sheriff shall determine all questions regarding the payment of any debt which may affect any district or special water supply district, and the right to impose and the obligation to pay any assessments affected by his determination, and shall fix the date at which such determination shall take effect; and a copy of said order shall be forthwith published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district and transmitted to the Board and to the county council.

52 & 53 Vict. c. 50.

(3.) Notwithstanding the provisions of section seventeen, sub-section two, sub-head (*c*) of the Local Government (Scotland) Act, 1889, it shall not be competent to appeal to the county council against any resolution of a district committee under this section.

57 & 58 Vict. c. 58.

(4.) Nothing contained in this Act shall prejudice the provisions of sub-sections one and two of section eighty-one of the last-mentioned Act as amended by section forty-four of the Local Government (Scotland) Act, 1894.

Incorporation of Waterworks Clauses Acts.

132. The following Acts and parts of Acts, so far as the same respectively are applicable for the purposes, and are not inconsistent with the provisions of this Act, are hereby incorporated with this Act:—

10 & 11 Vict. c. 17.

The Waterworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and except the words in section forty-four thereof, "with the consent in writing

" of the owner or reputed owner of any such house or of the agent " of such owner ":

The Waterworks Clauses Act, 1863: 26 & 27 Vict. c. 93.

The provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, but such last-mentioned provisions shall apply only in the case of any reservoir, filter, or distributing tank, which the local authority may be authorised to construct, and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if such reservoir, filter, or tank, and works, were therein mentioned instead of "the railway," and the boundaries of such reservoir, filter, or tank, and works, instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from such boundaries: 8 & 9 Vict. c. 33.

Provided always that—

(*a*) the local authority shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year;

(*b*) no person shall be entitled to demand such supply of water, or to require the local authority to lay down communication pipes, unless some pipe of the local authority shall have been laid within one hundred feet of the house or other premises in respect of which such supply or communication pipes are demanded, or unless the local authority shall become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act, 1847, to cause pipes to be laid down within the said distance of one hundred feet of such house or other premises; 10 & 11 Vict. c. 17.

(*c*) The water to be supplied by the local authority need not be constantly laid on under pressure.

PART VII.

RATING AND BORROWING POWERS.

Assessments.

133. In any burgh, or where any special drainage district has been formed under this Act or any of the Acts hereby repealed, the expense incurred by the local authority for sewerage or drainage within the same or for the purposes thereof, and the sums necessary for payment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a special sewer assessment which the local authority shall raise and levy on and within such burgh or special district, in the same manner and with the same remedies and modes of recovery as are herein-after provided for the public health general assessment. Special sewer assessment.

Provided that where a special drainage district has been formed under the provisions of this Act or any of the Acts hereby repealed or of any Act, and the drainage works therein have been executed and are maintained under the authority of such 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.

Special water assessment.

134. In any burgh, or where any special water supply district has been formed under this Act or any of the Acts hereby repealed, the expense incurred by the local authority for water supply within the same or for the purposes thereof, and the sums necessary for payment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a special water assessment which the local authority shall raise and levy on and within such burgh or special district, in the same manner and with the same remedies and modes of recovery as are herein-after provided for the public health general assessment.

Provided that where a special water supply district has been formed under the provisions of this Act or any of the Acts hereby repealed or of any Act, and a sufficient supply of water has been obtained and is maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of supplying water to other parts of the district of the local authority.

General assessments in districts other than burghs.

135. With respect to districts other than burghs, all charges and expenses incurred by or devolving on 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 assesment (in this Act referred to as the public health general assessment) to be levied by the local authority upon all lands and heritages within the district or in the case of counties not divided into districts within the county, in the like manner as, but as a separate assessment from, the assessment 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 as—

41 & 42 Vict. c. 51.

The assessment for the maintenance of roads under the provisions of the Roads and Bridges (Scotland) Act, 1878, or, where there is no such assessment, by an assessment levied in like manner as an assessment might have been levied for the maintenance of roads under that Act.

59 & 60 Vict. c. 37.

Nothing contained in this Act shall affect or prejudice the provisions of the Agricultural Rates, Congested Districts and Burgh Land Tax Relief (Scotland) Act, 1896.

General assessments in burghs.

136. With respect to burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, or having a local Act for police purposes—

All charges and expenses incurred by or devolving on 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 (in this Act referred to as the public health general assessment) to be levied by the local authority along with but as a separate assessment from the assessment herein-after mentioned; that is to say, the said

assessment shall be assessed, levied, and recovered in like manner and under the like powers, but without any limit, except as in the immediately succeeding section provided as—

The general improvement rate under the Burgh Police (Scotland) Act, 1892, or, when there is no such rate, by a rate levied in like manner as the general improvement rate under the last-mentioned Act.

Provided also, that where a special drainage district has been formed, under the provisions of any Act, and the drainage works therein have been executed and are maintained under the authority of such 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.

Limit of assessment.

137. The public health general assessment by this Act authorised, which shall be imposed upon all lands and heritages within the district, including any special drainage or special water supply district, shall not exceed the rate of one shilling in the pound.

The special sewer assessment, and the special water assessment, exclusive of the public health general assessment, shall not in any burgh or special drainage or special water supply district exceed the rate of three shillings in the pound. Provided that if the produce of a rate of three shillings in the pound in any burgh or special drainage or special water supply district shall not be sufficient to meet the expenditure bonâ fide incurred or contemplated within such burgh or special district, it shall be lawful to increase such rate to such extent as may have been approved by the Board; provided also, that it shall not be lawful to impose any rate in respect of the expenditure within any special district upon any premises without such special district.

Burghs not to be assessed for public health rate in counties. 52 & 53 Vict. c. 50.

138. Notwithstanding anything contained in the Local Government (Scotland) Act, 1889, or in this Act, the ratepayers of a burgh shall not be assessed for any charges or expenses incurred by a county council for the salaries or expenses of the medical officer or sanitary inspector appointed for the county, and no representative of a burgh shall in a district committee or on the county council act or vote in any matter relating to this Act or to public health for which the ratepayers in such burgh are not liable to be assessed.

Borrowing Powers.

Power of borrowing for sewers.

139. It shall be lawful for the local authority to borrow for the purpose of acquiring, making, enlarging, or re-constructing sewers or for the purpose of utilising sewage; and on the security of the special sewer assessments, where such exist, or the public health general assessments, as the case may be, 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 public health general assessments, as the case may be, 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 Second Schedule hereto annexed, and such bonds shall be signed by two members and the clerk 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 such member or officer 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 borrower 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; and the money so borrowed as aforesaid shall be applied for the purposes specified in this section, and for no other purpose whatsoever.

Power of borrowing for water supply.

140. It shall be lawful for the local authority to borrow for the purpose of constructing, purchasing, enlarging, or reconstructing such works as are herein authorised 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 special water assessments, where such exist, or of public health general assessments, as the case may be, 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 public health general assessments, as the case may be, 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 Second Schedule hereto annexed; and such bonds shall be signed by two members and the clerk of the local authority, and shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due out of the first and readiest of the said assessments; but no such member or clerk 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 borrower 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; and the money so borrowed as aforesaid shall be applied for

the purposes specified in this section and for no other purpose whatsoever.

Power of borrowing for hospitals, &c.

141. It shall be lawful for the local authority to borrow for the purpose of providing offices for the use of the local authority, and for providing and furnishing such permanent hospitals, disinfecting premises and apparatus, houses of reception, or mortuaries as are herein-before authorised, and on the security of the public health general assessments, such sums of money and at such times as they shall deem necessary for that purpose, and to assign the said public health general assessments 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 Second Schedule hereto annexed; and such bonds shall be signed by two members and the clerk of the local authority, and shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due out of the first and readiest of the said assessments; but no such member or officer 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 borrower 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; and the money so borrowed as aforesaid shall be applied for the purposes specified in this section and for no other purpose whatsoever.

Power to Public Works Loan Commissioners to lend to local authority for sanitary purposes.

142. The Public Works Loan Commissioners may, on the recommendation of the Board, make any loan to any local authority in pursuance of any powers of borrowing conferred by this Act or by the Acts hereby repealed, or by the Burgh Police (Scotland) Act, 1892, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of these Acts, and without requiring any further or other security, such loan to be repaid within a period not exceeding thirty years, and to bear interest at such rate as may, in the judgment of the Treasury, be necessary in order to enable the loan to be made without loss to the Local Loans Fund.

Provided as follows—

(1.) That in determining the time when a loan as aforesaid shall be repayable, the Public Works Loan Commissioners shall have regard to the probable duration and continuing utility of the works in respect of which the same is required;

(2.) That this Act shall not extend to any loan required for the purpose of defraying expenses incurred in enforcing the performance of or in performing the duty of a defaulting local authority.

Audit.

143. The accounts of every local authority under this Act shall be made up and audited as part of and in the same manner and subject to the same provisions as the other accounts of such local authority.

PART VIII.

ACQUISITION OF LANDS.

Power to acquire lands.

144. A local authority may for any of the purposes of Part II., Part III., and Part VI. of this Act in terms of the Lands Clauses Acts, and whether by agreement or otherwise, purchase any lands within or without their district, and may by agreement take on lease, sell or exchange any lands within or without their district; they may also buy up any water-mill, dam, or weir, which interferes with the proper drainage of or supply of water to their district. They may also, with the sanction of the Board, sell or let any surplus land, and shall apply the proceeds in such manner, whether to the reduction of debt or otherwise, as the Board shall direct.

Regulations as to compulsory purchase of land, &c.

145. 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 herein-before mentioned:—

(1.) The local authority before applying to the Board for an order empowering them to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement shall—

publish once at least in each of two consecutive weeks in some newspaper circulated in the district or some part of the district where the land is proposed to be taken, an advertisement describing shortly the purpose for which it is proposed to be taken, naming a place where a plan of the proposed works and of the lands which may be taken and a book of reference to such plan may be seen at all reasonable hours, and stating the quantity of land they require; and shall further

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 person on whom it is required to be served, or, if such person is absent abroad, to his agent; or

by leaving the same at the usual or last known place of abode of such person 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 person.

Every such plan shall be drawn on a scale of not less than four inches to a mile, and the book of reference shall contain the names

of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which may be taken:

(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 the Board; 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 of such land, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such land, be allowed to put in force the powers of the 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 Board requires:

(3.) Upon receipt of such petition, and upon due proof of the proper advertisements having been published and notices served, the Board 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 Board, no Order shall be made affecting any land without the consent of the owners, lessees, and occupiers thereof.

Any such inquiry may be held by a person appointed by the Board in the manner and with the powers herein-before provided, or if the Secretary for Scotland by any writing under his hand shall so direct, such inquiry shall be held by the sheriff, not being a sheriff substitute resident within the district:

(4.) After the completion of the inquiry as last aforesaid, the Board may, by Provisional Order, empower the local authority to put in force, with reference to the land or any part of the land referred to in such Order, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, and may make such determination as they may think fit in regard to the payment of costs by the local authority either to the Board or any person affected by the Order; provision shall be made by such Order for the incorporation therein of the Lands Clauses Acts and (with the necessary modifications) of sections six and seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845. It shall be the duty of the local authority to serve a copy of any Order so made in the manner and upon the persons in which and upon whom notices in respect of such land are herein-before required to be served, together with a statement that the Order will become final and have the effect of an Act of Parliament, unless within two months a memorial shall be presented to the Secretary for Scotland praying that the Order shall not become law without confirmation by Parliament:

(5.) If no memorial shall be presented as aforesaid the Order shall become final and have the effect of an Act of Parliament:

(6.) If a memorial has been presented to the Secretary for Scotland, it shall be lawful for him, as soon as conveniently may be, to submit such Order to Parliament for confirmation, and any Act passed to confirm such Order shall be deemed to be a Public General Act of Parliament:

(7.) Every Bill for confirming any such Order shall, after the Second Reading in the House in which it originates, be referred to a Select Committee, or, if the two Houses of Parliament think fit so to order, to a Joint Committee:

(8.) If, before the expiration of seven days after the Second Reading of any such Confirmation Bill in the House in which it originates, a petition is presented against any Order comprised therein, the petitioner shall be allowed to appear and oppose by himself, his agents, and witnesses:

(9.) The Committee by a majority may award costs, which shall, unless the Committee otherwise direct, include all costs from the date of the memorial:

(10.) All costs, charges, and expenses incurred in relation to any application for, or the grant of, such Order or Provisional Order shall, to such amount as the Board think proper to direct, become a charge upon the public health general assessment, or special sewer assessment, or special water assessment, levied in the district, or special drainage district or special water supply district, as the case may be, to which such Order or Provisional Order relates:

(11.)—(*a.*) Any question of disputed compensation under an Order or Provisional Order made under this section shall be referred to the arbitration of a sole arbiter appointed by the parties, or if the parties do not concur in the appointment of a sole arbiter then, on the application of either of them, by the Board, and the remuneration to be paid to the arbiter shall be fixed by the Board. An arbiter appointed under this subsection shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final; and

(*b.*) In construing for the purposes of this section any Acts incorporated with, or put in force under, this section, this Act, together with any Order or Provisional Order under this section, shall be deemed to be the special Act:

(12.) At any inquiry or arbitration held under this section, the person or persons holding the inquiry or arbitration shall hear any authorities or parties whose interests would be affected, by themselves or their counsel or agents, and may hear witnesses:

(13.) The Board shall not make any Order for purchasing the whole or any part of any park, garden, pleasure-ground, or other land required for the amenity or convenience of any dwelling-house, or any land the property of a railway company

or canal company which is or may be required for the purposes of their undertaking, or any land which, in the opinion of the Board, is being held or may be required for the extension of a factory or public work:

(14.) The Board shall, in making an Order for purchasing land, have regard to the extent of land held in the neighbourhood by any owner, and to the convenience of other property belonging to the same owner, and shall, as far as is practicable, avoid taking an undue or inconvenient quantity of land from any one owner:

(15.) The expression "Act of Parliament" in the Telegraph Act, 1878, shall include an Order under this section, although such Order may not have been confirmed by Parliament: 41 & 42 Vict. c. 76.

(16.) The Board shall in their annual report include a statement of any proceedings under this section.

PART IX.

LEGAL PROCEEDINGS.

Enforcement of and Procedure under Act.

Procedure if local authority neglect its duty under Act.

146.—(1.) 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 authorised 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 ten ratepayers residing within the district, or for a parish council, or for the procurator fiscal of the sheriff court of the county, 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 IV. 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 authorised 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: Provided always, that in regard to any nuisance for the removal of which drainage works are necessary, the sheriff 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.

Procedure under 18 & 19 Vict. c. 68.

(2.) It shall be competent for the Board, or for any local authority, or for any parish council, 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.

Provision for refusal or neglect of local authority.

147. 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 authorised 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 Board.

148. 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.

Procedure where nuisance beyond district.

149. Where a nuisance is situated in a district the local authority of which does not cause the same to be removed, which nuisance is offensive, or injurious, or dangerous 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.

Local authority may require payment of costs, &c. from owner or occupier, and occupier paying to deduct from rent.

150. It shall be lawful for the local authority, at their discretion, to require the payment of any costs or expenses which 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 authorised 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.

Penalty for wilful damage of works.

151. 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.

Appearance of local authorities in legal proceedings.

152. 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 authorised generally, or in respect of any special proceeding, by resolution of such authority, certified under the hand of the clerk thereof, and such person being so authorised shall be at liberty to institute and carry on any proceeding which the authority is authorised 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.

Recovery of penalties.

153. 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 byelaws, 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

in accordance with the provisions of the Summary Jurisdiction (Scotland) Acts, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction.

Form of applications to the sheriff, &c.

154. 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 sections 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 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 to be in accordance with the provisions of the Summary Jurisdiction (Scotland) Acts.

No written pleadings, &c. allowed.

155. 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 sub-sections (9), (10), and (11) of section sixteen of this Act the sheriff shall take 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.

156. Where in cases under sub-sections (9), (10), and (11) 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 but does not exceed the sum of fifty pounds, 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 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 on 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.

157. Save in so far as otherwise provided, no appeal shall be competent from any decree or order of any magistrate or justice, 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, &c., being members of local authority may act.

158. The sheriff, justices of the peace, or magistrates may in all cases, notwithstanding their being members of the local authority, exercise the jurisdiction vested in them under this Act.

Service of notices, petitions, and orders.

159. Notices, intimations, 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 regulations of local authority and Board.

160. Copies of any orders, resolutions, or regulations (other than byelaws) of the local authority or their committee purporting to be signed by the clerk of such body or committee, 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.

161. 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, and any one or more of such persons may be proceeded against notwithstanding that the acts or defaults of any one or more of them would not separately be an offence against this Act; but nothing herein contained shall prevent the parties so proceeded against from recovering relief in any case in which they would now be entitled to relief by law. Proceedings against several persons included in one demand or complaint shall not lapse by reason of the death of any one or more of such persons, but all such proceedings may be carried on as if the deceased persons had not been originally so included. Whenever in any proceeding under the provisions of this Act relating to nuisances it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the owner or occupier of such premises without name or further description.

Penalty on occupier obstructing owner.

162. 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.

163. 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.

Compensation to be made.

164. 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 by a sole arbiter appointed in manner set forth in sub-section eleven of section one hundred and forty-five of this Act.

Convictions not void for want of form.

165. 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.

166. 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; provided that nothing in this section shall exempt any member of any local authority from being surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

Forms.

167. The forms contained in the Second 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 proceedings or documents under this Act may be wholly or partly written or printed.

Exemption from stamp duties.

168. 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.

169. 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.

170. Nothing in this Act shall be construed to impair any right of action in respect of nuisances at common law.

Powers of Act cumulative.

171. All powers given by this Act shall be deemed to be in addition to, and not in derogation of, any power conferred by Act of Parliament not hereby specifically 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.

PART X.

Port Sanitary Authority.

Constitution of port local authorities.

172. The Board may by order constitute any local authority whose district or part of whose district forms part of or abuts on any part of a port in Scotland or the waters of such port, or any persons having authority in or over such port or any part thereof,

the local authority of the whole of such port or of any part thereof (in this Act referred to as the "port local authority").

The Board may also by order constitute a joint port local authority for the whole or any part of a port by combining any two or more local authorities having jurisdiction within the proposed area or part thereof to act together for the purposes of this Part of the Act, and may prescribe the mode of such joint action; or by forming a joint port local authority consisting of representative members of any two or more of such local authorities in the same manner. Further the Board may by order constitute a joint port local authority for any two or more ports consisting of representative members of all or any of the local authorities having jurisdiction within such port or any part thereof.

The Board may from time to time alter, vary, renew, or rescind said order, and a copy of said orders when made shall be forthwith laid before both Houses of Parliament.

Any order constituting a port local authority or joint port local authority may assign to such authority any powers, rights, duties, capacities, liabilities and obligations under this Act, and direct the mode in which the expenses of such authority are to be paid, and where such order constitutes a joint port local authority, it may contain all the regulations with respect to the carrying out of the provisions of this Act by such authority.

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

Jurisdiction of port local authority.

[**173.** The order of the Board constituting a port local authority or joint port local authority shall be deemed to give such authority jurisdiction over all waters within the limits specified in the order, and also over the whole or such portion of the district within the jurisdiction of any local authority as may be so specified.

Delegation of powers by port local authority.

174. A port local authority or joint port local authority may, with the sanction of the Board, delegate to any local authority within or bordering on their district the exercise of any powers conferred on such authority by the order of the Board, but, except in so far as such delegation may extend, no other authority shall exercise any powers conferred on a port local authority or joint port local authority by the order of the Board within the district of such authority.

Expenses of port local authority.

175. Any expenses incurred by a joint port local authority shall be defrayed out of a common fund to be contributed by the local authorities in such proportions as the Board thinks just.

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

For the purposes of obtaining payment from the contributory local authorities of the sums to be contributed by them a port local authority or joint port local authority shall issue their requisition to each such authority, requiring such authority, within a time

limited by the requisition, to pay the amount therein mentioned to such authority, or to such person as such authority may direct.

Any contribution payable by a local authority to such port local authority or joint port local authority shall be a debt due from them, and may be recovered accordingly, such contribution being deemed general expenses of that authority. If any local authority makes default in complying with the requisition addressed to it by such port local authority or joint port local authority such authority may, instead of instituting proceedings for the recovery of the debt, or in addition to such proceedings as to any part of the debt which may for the time being be unpaid, proceed in the summary manner in this Part of this Act mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the debt due.

Where several local authorities are combined in the district of one port local authority or joint port local authority, the Board may by order declare that one or more of such authorities shall be exempt from contributing to the expenses incurred by such authorities.

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

176. Where any port local authority, joint port local authority, or other authority, are authorised in pursuance of this Act to proceed in a summary manner to raise within the district of a defaulting authority such sum as may be sufficient to pay any debt due to them, the authority so authorised for the purpose of raising such sum shall, within the district of the defaulting authority, have, so far as relates to the raising such sum, the same powers as if they were the defaulting authority, and as if such sum were expenses properly incurred by the defaulting authority within the district of such authority; and the port local authority, joint port local authority, or other authority, may raise the amount by assessment, in like manner and with all the powers of imposition, levy, and recovery of the defaulting local authority.

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

PART XI.

MISCELLANEOUS.

Provisions as to Ships.

Provision as to ships within the jurisdiction

177. Any ship lying in any river, harbour, or other water shall be subject to the local authority of the district within or ex adverso

of local authority.

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, but this section shall not apply to any ship belonging to Her Majesty or to any foreign government.

Provision as to district of local authority extending to places where ships are lying.

178. For the purposes of this Act, any ship that is in a place within three miles of the coast 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.

Charge for medical officer attending sick on board any ship, and to be paid by captain.

179. Whenever, in compliance with any regulation of the Board which they are hereby empowered to make under this Act, any medical officer employed by a local authority performs any medical service on board any ship the local authority shall be entitled to charge for such service, and such charge shall be payable by the captain of such ship on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick, and in the event of dispute the amount shall be determined by the sheriff in a summary manner; and if such services shall be rendered by any medical practitioner who is not a medical officer of the local authority, 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.

Power to remove to hospital sick persons brought by ship.

180. Any local authority may make byelaws 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 disease.

Provisions as to Buildings.

Byelaws as to regulation of buildings.

181.—(1.) The local authority of any district other than a burgh may, subject to the approval of the county council, make byelaws for the whole or any part of their district for regulating the building or rebuilding of houses or buildings, or the use for human habitation of any building not previously so used, or any alteration in the mode of occupancy of any existing house in such a manner as will increase the number of separate houses in respect to the following matters:

(*a.*) The drainage of the subsoil of sites for and the prevention of dampness in houses intended for human habitation;

(*b.*) The structure of walls, foundations, roofs, and chimneys of new buildings in so far as likely to affect human health;

(*c.*) The ventilation of houses and buildings intended for human habitation;

(*d.*) The sufficiency of the space about buildings to secure a free circulation of air;

(*e.*) The construction and arrangement of the drainage of houses and buildings and of soil-pipes and waste-pipes, and the construction and position of waterclosets, earth-closets, privies, ash-pits, cess-pools, dungsteads, slopsinks, and rainwater pipes and rhones;

(*f.*) The production of suitable building plans in respect of the matters in this section mentioned, and their inspection;

(*g.*) The intimation previous to the commencement by the owner or person laying out the work to the local authority of the date of the commencement, and for the due inspection in respect of the matters in this section mentioned of houses or buildings in process of erection or alteration, and the examination of the drains thereof, and for the pulling down, alteration, or amendment of any work which has been carried out in contravention of the byelaws.

(2.) In making such byelaws the local authority shall have regard to the special circumstances of their district or the part thereof to which such byelaws relate.

Penalty for erecting buildings on ground filled up with offensive matter.

182.—(1.) It shall not be lawful to erect a new building on any ground which has been filled up with any matter impregnated with fæcal, animal, or vegetable matter, or upon which any such matter has been deposited unless and until such matter shall have been properly removed by excavation or otherwise, or shall have been rendered or have become innocuous.

(2.) Every person who does, or causes, or wilfully permits to be done, any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds, and a daily penalty not exceeding forty shillings.

Provisions as to Byelaws.

Authentication of byelaws.

183. All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal or if they have no common seal shall be signed by two members and the clerk of such authority, and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the law of Scotland or to the provisions of this Act.

Power to impose penalties on breach of byelaws.

184. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they 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 forty shillings for each day after written notice of the offence from the local authority; but all such

byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

Confirmation of byelaws.

185. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Board, who are hereby empowered to allow, modify, or disallow the same, as they may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within, or by handbills posted throughout, the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application is considered a copy of the proposed byelaws has been kept at the office of the local authority, and in the case of districts other than burghs at the office of the parish council of every parish to which such byelaws relate, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

Any persons aggrieved by any proposed byelaw, or by any proposed alteration of a byelaw, may within such last-mentioned month, forward notice of his objection to the Board, who shall consider the same before granting confirmation.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw when confirmed by the Board shall not require confirmation, allowance, or approval by any other authority.

Byelaws to be printed, &c.

186. All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and be open to the inspection of any ratepayer of the district at all reasonable hours; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same; a copy of any byelaws made by a district committee shall also be transmitted to the parish council of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours, and a copy thereof shall be delivered to any ratepayer of the parish on his application for the same.

Evidence of byelaws.

187. A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

188. The provisions of this Act relating to byelaws shall not apply to any regulations which a local authority is by this Act authorised to make; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such manner as they see fit. As to regulations of local authority.

PART XII.

SAVING CLAUSES AND REPEALS.

Saving Clauses.

189. Nothing in this Act contained shall prejudice or affect, or shall enable any local authority or other person to injuriously affect— Act not to affect navigation of rivers or canals, or irrigation of lands.

(1.) The irrigation of lands in a rural district, or the supply of water used for such irrigation;

(2.) Any supply of water which has been conducted to and is being used for any house or building used in connexion with such house or occupied for agricultural purposes;

(3.) The supply of water required for the purposes of any waterworks established by or under the provisions of any 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;

(4.) 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;

(5.) The purification of any river or stream in respect of which any persons are by virtue of any Act of Parliament authorised to exercise jurisdiction, or the rights, powers, jurisdictions, and authorities conferred by such Act.

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.

190. Except in so far as expressly provided, nothing in this Act shall prejudice or affect the provisions of the Local Government (Scotland) Acts, or of the Local Authorities Loans (Scotland) Act, 1891, as amended, or of the Burgh Police (Scotland) Act, 1892, as amended, or of the Public Health (Scotland) Amendment Act, 1891, or of the Anatomy Acts, 1832 and 1871. Saving of certain Acts.

Saving for county councils and standing joint committees.

191. Except in so far as expressly provided, nothing in this Act shall prejudice or affect the powers, rights, and liabilities of county councils and standing joint committees with respect to capital works, rating, borrowing, or acquiring and holding land.

Saving of local Acts.

192.—(1.) Nothing in this Act shall supersede, prejudice, or affect the provisions of any local Act applicable to any burgh or the forms of prosecutions and procedure in use therein, but the provisions of this Act shall operate to confer additional powers on the local authorities of such burghs, and the before-mentioned forms and procedure may be used therein in all prosecutions under this Act.

(2.) Nothing contained in this Act shall prejudice or affect the provisions of any local Act under which any authority is constituted for supplying water within any district or limits created by such Act.

For the purposes of this and the immediately succeeding section the expression "local Act" includes a Provisional Order and the Act confirming such Order.

Reference to Public Health Acts.

193. Where, in any public general, or local Act the Public Health Acts or any sections thereof are referred to, such reference shall be deemed to mean and include a reference to this Act or the corresponding sections of this Act and any amendments thereof; and the expression "public health rate" in any such Act shall mean, and a reference to any of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867, shall be deemed to be a reference to, the public health general assessment under this Act.

Exemption of Government property from building regulations.

194. Without prejudice to any existing right of the Crown, there shall be exempted from so much of the provisions of this Act as relates to buildings and structures, every building, structure, or work vested in, or in the occupation of, Her Majesty, her heirs and successors, either beneficially or as part of the hereditary revenues of the Crown, or in trust for the public service or for public services; also any building, structure, or work vested in, or in the occupation of, any department of Her Majesty's Government for public purposes or for the public service.

Application of Act to city of Aberdeen.

195. With respect to the city and Royal burgh of Aberdeen, all charges and expenses incurred by the local authority in executing this Act, or any of the Acts hereby repealed, shall, notwithstanding anything contained in section thirty-nine of the Aberdeen Corporation Act, 1891, be included under the sixth head of the estimate directed by that section to be made up, and the rate or assessment to be imposed in respect of such charges and expenses shall be payable, one-half by the owners and one-half by the occupiers of all lands and heritages within the district of the local authority.

Repeal of Acts.

Repeal of Acts.

196.—(1.) The Acts specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, and so much of any public general Act as is inconsistent with this Act is also hereby repealed.

(2.) The repeal of the said Acts shall not annul or in any wise prejudice or affect any purchase, sale, conveyance, grant, lease, bond, security, act, matter, or thing, heretofore made, done, executed, commenced, or instituted, under or by virtue or in pursuance of the said Acts; but all such purchases, sales, conveyances, grants, leases, bonds, securities, acts, matters, and things shall have priority and be as good, valid, and effectual to all intents and purposes as if the said Acts had not been repealed.

SCHEDULES.

FIRST SCHEDULE.

Section 196.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 101.	Public Health (Scotland) Act, 1867.	The whole Act.
34 & 35 Vict. c. 38.	Public Health (Scotland) Amendment Act, 1871.	The whole Act.
38 & 39 Vict. c. 74.	Public Health (Scotland) Act, 1867, Amendment Act, 1875.	The whole Act.
45 & 46 Vict. c. 11.	Public Health (Scotland) Act, 1867, Amendment Act, 1882.	The whole Act.
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	In sub-section three of section eighty-one, the words "and the "assessments in respect of the "drainage and water supply "shall be levied in the same "manner as they were before "such district was formed into "a police burgh."
53 & 54 Vict. c. 20.	Public Health Amendment (Scotland) Act, 1890.	The whole Act.
57 & 58 Vict. c. 58.	Local Government (Scotland) Act, 1894.	In sub-section six of section forty-four, the words "as ascertained "for the purposes of the Poor "Law (Scotland) Act, 1845."
59 & 60 Vict. c. 19.	Public Health Act, 1896.	The whole Act (except the repeals therein contained) in so far as it relates to Scotland.

Sections 139-141, 167.

SECOND SCHEDULE.

Bond for Borrowed Money.

WE, the local authority of the burgh [*or as the case may be*] of considering that, by resolution of the said local authority [*or as the case may be*] passed on the day of , it was resolved to borrow the sum of pounds, under the powers contained in the Public Health (Scotland) Act, 1897, 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 [*or as the case may be*] to repay the said sum of pounds [*here insert obligation to repay in accordance with the arrangement made between the local authority* [*or as the case may be*] *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 as the case may be*] 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 as the case may be*], of , in favour of , bearing date the day 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.*

CHAPTER 39.

An Act to constitute the Ridings of Yorkshire separate Counties for all the purposes of the Coroners Acts.

[6th August 1897.]

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: