CHAPTER clxxxvii.

An Act to provide for the licensing and control of hospitals for disease and to make other provisions for the health of the Sandgate Urban District and for other purposes. [4th August 1905.] A.D. 1905.

WHEREAS the district of Sandgate in the county of Kent is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Sandgate Urban District Council (in this Act called "the Council") and the district is frequented by visitors resorting thereto for purposes of health:

And whereas there has been an appropriation and use in recent years of unsuitable houses and buildings within the district for the reception and treatment of persons suffering from disease and it is expedient that the powers of the Council in relation to the regulation of hospitals for disease (as in this Act defined) and the health of the district should be enlarged as by this Act provided:

And whereas an absolute majority of the whole number of the Council at a meeting held on the eighth day of December one thousand nine hundred and four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Hythe and Sandgate Standard being a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

A.D. 1905.

And whereas the said resolution was published twice in the said Hythe and Sandgate Standard and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the twenty-first day of February one thousand nine hundred and five being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the first schedule of the Borough Funds Act 1903 have been observed:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Sandgate Urban District Council (Sanitary Powers) Act 1905.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Public Health Acts have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The district" means the urban district of Sandgate;

"The Council" means the urban district council of the district;

"The clerk" means the clerk to the Council;

"The medical officer" means the medical officer of health of the district and includes any person duly authorised to act temporarily as medical officer of health;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district;

"Contagious disease" means ringworm trachoma and any other contagious disease which the Council with the approval of the Local Government Board may by order include for the purposes of this Act;

"Disease" means any infectious disease and any contagious disease and tuberculosis of the lung or pulmonary consumption whether or not the Infectious Disease (Notification) Act 1889 for the time being applies thereto;

"Hospital for disease" means any building intended and used for the reception or treatment of persons suffering from or convalescent after disease but shall not include any building used solely for the reception or treatment of persons convalescent after disease who at the time of their reception into such building are certified by a registered medical practitioner to be convalescent and free from disease;

"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 the purposes of sale;

"Dairyman" includes any cowkeeper purveyor of milk or occupier of a dairy;

"Daily penalty" means a penalty for every day on which any offence is continued after conviction;

"Occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Licensing of hospitals for disease.

3.—(1) No person shall after the first day of March one thousand nine hundred and six keep a hospital for disease within the district or receive any patients suffering from disease into such hospital without the licence of the Council in accordance with the provisions of this Act.

(2) Application for the grant of any such licence for the twelve months commencing on the said first day of March one thousand nine hundred and six shall be made on or before the twentieth day of December one thousand nine hundred and five and thereafter application for the grant or renewal of any such licence may be made in the case of a new hospital for disease or of a change of ownership at any time and shall be made in other cases on or before the twentieth day of December in each year but every such licence shall be granted or renewed for a period

A.D. 1905.

expiring on the first day of March in the year following the date thereof Every such application made on or before the twentieth day of December in any year shall be granted or refused by the Council not later than the twentieth day of January next following and every other such application shall be granted or refused by the Council not later than one month after the receipt by the Council of such application.

(3) Provided that where a licence for the twelve months commencing on the first day of March one thousand nine hundred and six is applied for and refused and an appeal against such refusal is duly made the prohibition contained in subsection (1) of this section shall not operate until seven days after the date of the next practicable quarter sessions after the date of such refusal or such later date (if any) as may be fixed by the quarter sessions.

(4) Provided also that where the Council refuse to renew a licence and an appeal against such refusal is duly made the licence shall be deemed not to have expired until seven days after the date of the next practicable quarter sessions after the date of such refusal or such later date (if any) as may be fixed by the quarter sessions.

(5) The Council shall prescribe the mode and form in which applications for a licence under this section shall be made and also the form of licence to be granted provided that the Council may vary the terms of a licence to suit a particular case.

(6) The Council may make regulations as to the structure drainage ventilation and surrounding air space of buildings to be used as hospitals for disease and as to the number of patients to be accommodated in and as to the administration of the hospitals and such regulations may be made to apply generally or to any particular hospital but no regulations made under this subsection shall be of any force unless approved of by the Local Government Board and such regulations are referred to in this Act as "the prescribed regulations."

(7) The Council may refuse to grant or renew such licence on the grounds—

(A) that the person applying for such grant or renewal is not a fit person to be licensed to keep a hospital for disease ; or

(b) that the building in respect of which the licence is proposed to be granted or renewed does not conform with the prescribed regulations; or

(c) that the person applying for the renewal of a licence has in the preceding year failed in a material particular to comply with the prescribed regulations in respect of the number of persons to be accommodated in or the administration of the hospital; or

(d) that in their opinion it is undesirable to increase the number of hospitals for disease in the district:

And the Council may grant or renew such licence subject to conditions as to the diseases to be treated therein.

(8) The Council shall in the event of their refusing to grant or renew a licence give to the person applying a statement in writing specifying the particulars of the grounds on which such grant or renewal is refused Provided that the Council shall not be precluded by such statement from bringing forward at the hearing of the appeal any further grounds of objection which may have come to their knowledge since the refusal of the licence and notice of which shall have been given to the person applying not less than fourteen days prior to the hearing of such appeal.

(9) The holder of a licence for a hospital for disease and every other person having or acting in the care or management of such hospital shall at all times between the hours of eight o'clock of the forenoon and eight o'clock of the afternoon when required by the medical officer give him free access to such hospital or any part thereof and any such person who refuses such access shall be liable to a penalty not exceeding five pounds.

Penalty on persons keeping hospitals for disease without licence.

4. Every person who without a licence under this Act shall keep a hospital for disease within the district or shall receive any patients suffering from disease into such hospital or who shall in any hospital for disease receive patients suffering from any disease which by the conditions on which the licence was granted is not to be treated therein shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

As to compensation.

5. If the owner or occupier of any house building or premises used as a hospital for disease on the twenty-second

A.D. 1905.

day of May one thousand nine hundred and five sustains any damage or loss in respect of such house building or premises or in respect of the business conducted in any such house building or premises by reason of any regulation made under this Act or by reason of any condition imposed by the Council on the grant or renewal of any licence under this Act or by reason of the refusal by the Council to grant or renew any such licence the Council shall pay to such owner or occupier respectively full compensation for all such damage or loss and the provisions of the Lands Clauses Acts with respect to the claiming settlement and recovery of compensation shall apply with all necessary modifications to compensation under this section :

Provided always that no compensation shall be given in respect of any loss or damage for which the claimant shall have then been previously compensated and that no claim for compensation under this section shall be made except in respect of or in connection with any such house building or premises for which an application for a licence shall have been made before the first day of January one thousand nine hundred and seven.

Power for Council to purchase hospital buildings by agreement.

6.—(1) The Council may with the consent of the Local Government Board purchase by agreement any building together with the lands held in connection therewith which at the passing of this Act is used as a hospital for disease or any interest in any such building or lands But nothing in this section contained shall take away or deprive any owner or occupier of any such building or lands of the right (if any) to compensation under the provisions of this Act.

(2) Any building or lands or any interest in any building or lands acquired by the Council in pursuance of this section shall unless the Local Government Board otherwise direct be sold at the best price that can be obtained for the same and the proceeds of such sale shall be applied in or towards the extinguishment of any loan raised by the Council under this Act or if there shall be no moneys owing under this Act such proceeds of sale shall be applied in or towards the repayment of any other moneys for the time being owing by the Council on capital account Provided that such proceeds shall not be applied to the payment of instalments or to payment into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

(3) Prior to any such sale the Council may expend such sums as may be required to render the buildings and lands purchased under this section fit for occupation and when so rendered fit may let the same for a term not exceeding seven years.

Prohibition on infected persons carrying on business.

7. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the district or pick fruit intended for consumption within the district or engage in any trade or business connected with food intended for consumption within the district or carry on any trade or business in such a manner as to be likely to spread infectious disease within the district and if he does so he shall be liable to a penalty not exceeding twenty shillings.

Dairymen to notify infectious disease existing among their servants &c.

8. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the Council or to the medical officer all cases of infectious disease among persons engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who commits any breach of this enactment shall be liable to a penalty not exceeding forty shillings.

Compensation to dairymen.

9. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Medical officer may require dairymen to furnish lists.

10. If the medical officer shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to whom he has within such six weeks supplied milk within the district and the Council shall pay to him for every such list the sum of sixpence and after the rate of sixpence for

A.D. 1905.

every twenty-five names contained therein and every such person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

11. Whenever it shall be certified to the Council by the medical officer 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 earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and any 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.

Compensation to persons ceasing employment.

12. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Protection against infection of books in lending library.

13. No person shall take out of any public library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any public library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to and leave the book at the office of the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor or destroyed and if destroyed the Council shall pay to the owner thereof its value If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Exposure of infected persons.

14. The provisions of section 126 of the Public Health Act 1875 shall extend and apply to any person who being in charge of a person suffering from any dangerous infectious disorder permits such sufferer to expose himself without proper precautions

against spreading the said disorder in any street public place shop inn or public conveyance within the district or to enter any public conveyance within the district without previously notifying to the owner conductor or driver thereof that he is so suffering For the purpose of the said section 126 and of this section the seashore of or abutting upon the district shall be deemed to be a public place.

Child suffering from infectious disease not to attend school.

15. No person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school withou having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others.

If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Power to medical officer to examine school children.

16.—(1) The medical officer may enter any public elementary school within the district at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection.

(2) The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

(3) Any person who shall obstruct the medical officer in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

Council may provide nurses.

17. The Council may provide or contract with any person or persons to provide nurses for attendance upon any person suffering from any infectious disease within the district and may

A.D. 1905.

charge a reasonable sum for the service of any nurse provided by them.

Disinfection of clothes.

18. Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Council or to the satisfaction of the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Council shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Cleansing of infected house and removal of persons therefrom.

19.—(1) Where it appears to the Council upon the certificate of the medical officer 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 disease the Council 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 Council unless the person so notified informs the Council within a time to be specified in the notice from the receipt of the said notice that he will cleanse or disinfect the house or part thereof with any such articles or destroy such articles to the satisfaction of the medical officer 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 Council as aforesaid; or

(B) Having so informed the Council 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 the articles shall be cleansed and disinfected or such articles destroyed by the officers of and at the cost of the Council.

A.D. 1905.

(3) For the purpose of carrying into effect this section the Council may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

(4) When the Council 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 damage thereby caused to such house part of a house or article and when the Council 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.

(5) If the Council deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Council 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 Council shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(7) The Council may for the purposes of this section—

Themselves build a place of reception or appropriate and use any building or place belonging or in lease to them and not required for the purpose for which it was originally acquired;

Contract for the use of any place of reception.

Public notice to be given of provisions of this Act.

20. Public notice of the provisions of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the office of the Council and by handbills or such other means as the Council deem reasonable for conveying notice to persons affected or likely to be affected so

A.D. 1905.

far as such persons can be reasonably ascertained Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with And the prescribed regulations shall be published in such manner as the Local Government Board may direct.

Expenses of executing Act.

21. All expenses incurred by the Council in carrying into execution the provisions of this Act shall be paid out of the district fund and general district rate.

Power to borrow.

22.—(1) The Council may from time to time borrow at interest any sum or sums of money for the purpose of paying the costs of this Act as hereinafter provided and for the expenses of carrying into effect the purposes of this Act under and subject to the provisions of the Public Health Act 1875 as if such costs and expenses were expenses incurred in the execution of that Act Provided that moneys borrowed for the payment of the costs of this Act shall be repaid within a period of five years from the passing of the Act.

(2) Any costs or expenses which in the opinion of the Local Government Board should be spread over a number of years shall in regard to the application of the Public Health Act 1875 to this Act be deemed to be expenses incurred for a permanent work within the meaning of section 234 (subsection (1)) of that Act.

(3) In calculating the amount which the Council may borrow under the Public Health Act 1875 any sums which they may borrow under this Act shall not be reckoned.

Return to Local Government Board as to repayment of debt.

23.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or

applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Informations by whom to be laid.

24. Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Evidence of appointments authority &c.

25. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of

A.D. 1905.

the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be prima facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to appeal.

26. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate licence consent or approval or as to the conditions attached to any licence of or by the Council or of or by any officer or valuer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal Provided that no member of the Council shall sit as a justice in any court of summary jurisdiction or in any court of quarter sessions on the hearing of any appeal under this Act.

Recovery of penalties.

27. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Expenses and charges to be settled by justices.

28. Where any expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid over to treasurer.

29. All penalties recovered by the Council or any officer of the Council on their behalf under this Act shall be paid to the treasurer of the Council and carried by him to the credit of the district fund or to such other fund as the Council may direct.

Compensation &c. how to be determined.

30. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for

such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Saving for actions indictments &c.

31. Nothing in this Act shall protect any person from being proceeded against by action at law or by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Judges &c. not disqualified.

32. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Powers of Act cumulative.

33. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Expenses of Act.

34. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of the district fund and general district rate and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

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