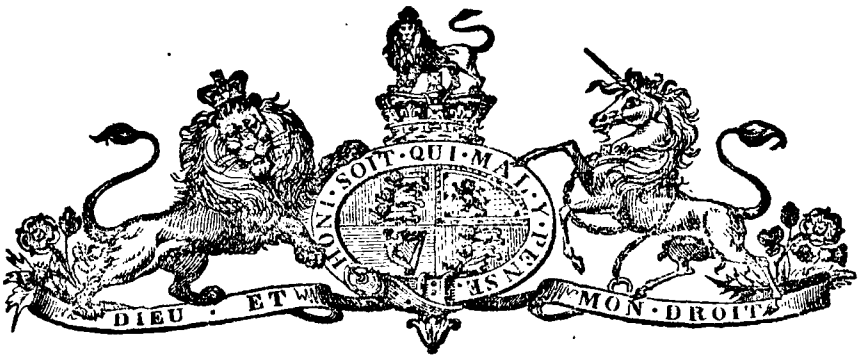


ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXV.

An Act to amend "The Sanitary Act, 1866."

[31st *July* 1868.]

WHEREAS it is expedient to make further Provision for the Removal of Refuse Matter from Dwelling Houses, and to amend the "Sanitary Act, 1866:" 29 & 30 Vict. c. 90.

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:

1. This Act may be cited for all Purposes as "The Sanitary Act, 1868." Short Title.

2. This Act shall not extend to *Scotland* or *Ireland*. Application of Act.

3. "Sewer Authority" in this Act shall have the same Meaning as it has in the Sewage Utilization Act, 1865. Definition of "Sewer Authority."

4. The following Sections of the Public Health Act, 1848, as amended by any subsequent Act of Parliament, that is to say, Power to Sewer Authority in relation to Privies.

(1.) The Fifty-first Section, requiring every new House and every House pulled down to or below the Ground Floor and rebuilt to have a sufficient Watercloset or Privy and Ashpit;

(2.) And the Fifty-fourth Section as amended by any subsequent Act of Parliament, providing that the Local Board of Health shall see that Drains, Waterclosets, Privies, and Ashpits within their District do not become a Nuisance;

shall extend to the District of every Sewer Authority in which

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there is no Enactment of any Public or Private Act of Parliament to the like Effect in force; and the said Sections when so extended shall be construed in reference to the District of any Sewer Authority as if the Expression "Sewer Authority" were inserted therein in the Place of the Expression "Local Board," and any Officer for the Time being appointed by the Sewer Authority to examine any Premises shall be deemed to be the Surveyor within the Meaning of the said Sections.

Where the Sewer Authority and the Nuisance Authority of a District are different Bodies of Men, the Jurisdiction of the Nuisance Authority shall cease within such District in relation to all Matters within the Purview of the said Sections of the Public Health Act, 1848; and any Sewer Authority to whose District the said Sections are extended making default in enforcing their Provisions shall be subject to Proceedings under the Sanitary Act, 1866, in the same Manner as if it had made default in providing its District with sufficient Sewers.

Power of Sewer Authorities to Sewerage.

5. A Sewer Authority shall within their District have all the Powers vested in a Local Board by the Thirty-second Section of the Local Government Act, 1858, as amended by any subsequent Act of Parliament, so far as relates to—

(1.) The Removal of House Refuse from Premises;

(2.) The cleansing of Privies, Ashpits, and Cesspools;

and the Paragraphs numbered (1), (2), and (3) of the said Section shall be construed in reference to the District of any Sewer Authority as if the Expression "Sewer Authority" were inserted therein in the Place of the Expression "Local Board."

Where the Sewer Authority and the Nuisance Authority are different Bodies of Men, the Jurisdiction of the Nuisance Authority in such District shall cease in respect to all Matters over which the Sewer Authority acquires Powers by this Section.

Incorporation of Provisions of 11 & 12 Vict. c. 63. as to private Improvement Expenses.

6. The Provisions of the Public Health Act, 1848, relating to private Improvement Expenses, as amended by any subsequent Act of Parliament, shall be deemed to be incorporated with this Act, so far as may be required for carrying into effect any Provision of this Act.

Earth-closets may in certain Cases be constructed instead of Water-closets.

7. Any Enactment of any Act of Parliament in force in any Place requiring the Construction of a Watercloset shall, with the Approval of the Local Authority, be satisfied by the Construction of an Earth-closet, or other Place for the Reception and Deodorization of Fœcal Matter, made and used in accordance with any Regulation from Time to Time issued by the Local Authority.

The Local Authority may as respects any Houses in which such Earth-closets or other Places as aforesaid are in use with their Approval, dispense with the Supply of Water required by any Contract or Enactment to be furnished to the Waterclosets in such Houses, on such Terms as may be agreed upon between such Authority and the Persons or Body of Persons providing or required to provide such Supply of Water.

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The Local Authority may themselves undertake or contract with any Person to undertake a Supply of dry Earth or other deodorizing Substance to any House or Houses within their District for the Purpose of any Earth-closets or other Places as aforesaid.

The Local Authority may themselves construct or require to be constructed Earth-closets or other such Places as aforesaid in all Cases where, under any Enactment in force, they might construct Waterclosets or Privies, or require the same to be constructed, with this Restriction, that no Person shall be required to construct an Earth-closet or other Place as aforesaid in any House instead of a Watercloset if he prefer to comply with the Provisions of the Enactment in force requiring the Construction of a Watercloset, and a Supply of Water for other Purposes is furnished to such House, and that no Person shall be put to greater Expense in constructing an Earth-closet or other Place as aforesaid than he would be put to by compliance with the Provisions of any Enactment as to Waterclosets or Privy Accommodation which he might have been compelled to comply with if this Section had not been passed.

Local Authority shall, for the Purposes of this Act, mean any Local Board and any Sewer Authority.

Provision for Recovery of Expenses by Secretary of State.

8. Whereas by the Forty-ninth Section of the Sanitary Act, 1866, Power is given to One of Her Majesty's Principal Secretaries of State in case of any Sewer Authority, Local Board, or Nuisance Authority making default in performing the Sanitary Duties specified in the said Section, and imposed on them by Act of Parliament, to appoint a Person to perform the same, and to direct by Order that the Expenses of performing the same, together with a reasonable Remuneration to the Person appointed for superintending such Performance, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Authority in default, and that any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, and be enforced in the same Manner as if the same were an Order of such Court: And whereas it is expedient to make further Provision for enforcing Payment of any Sum so specified as aforesaid in the Order of the Secretary of State, together with the Costs of the Proceedings occasioned by the Default made in Payment of such Sum:

Be it enacted, That the Sum so specified in the Order of the Secretary of State, together with the Costs of the Proceedings, shall be deemed to be Expenses properly incurred by the Authority in default and to be a Debt due from such Authority, and payable out of any Monies in the Hands of such Authority or their Officers, or out of any Rate applicable to the Payment of any Expenses properly incurred by the defaulting Authority, and which Rate is in this Section referred to as the Local Rate; and in the event of any Authority refusing to pay any such Sum with Costs as aforesaid for a Period of Fourteen Days after Demand, the Secretary of State may by Precept empower any Person to levy by and out of the Local Rate such Sum (the Amount to be specified

specified in the Precept) as may, in the Opinion of the said Secretary of State, be sufficient to defray the Debt so due from the defaulting Authority, and all Expenses incurred in consequence of the Nonpayment of such Debt; and any Person or Persons so empowered shall have the same Powers of levying the Local Rate, and requiring all Officers of the defaulting Authority to pay over any Monies in their Hands, as the defaulting Authority itself would have in the Case of Expenses legally payable out of a Local Rate to be raised by such Authority; and the said Person or Persons, after repaying all Sums of Money so due in respect of the Precept, shall pay the Overplus, if any, (the Amount to be ascertained by the Secretary of State,) to or to the Order of the defaulting Authority.

As to Recovery of Penalties.

9. Penalties under any Section incorporated with this Act shall be recovered in manner directed by the Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

All Powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred by any other Act of Parliament, and any such other Powers may be exercised as if this Act had not passed.

Nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would have been liable if this Act had not been passed.

Provided that no Person who has been adjudged to pay any Penalty in pursuance of this Act shall for the same Offence be liable to a Penalty under any other Act.

Amendment of Sect. 37 of 29 & 30 Vict. c. 90.

10. The Sewer Authority, or in the Metropolis the Nuisance Authority, shall have the like Power to make Provision for the temporary Supply of Medicine and Medical Assistance for the poorer Inhabitants as it now has to provide Hospitals or temporary Places for the Reception of the Sick under the Thirty-seventh Section of "The Sanitary Act, 1866," but such Power to make Provision for the temporary Supply of Medicine and Medical Assistance shall not be exercised without the Sanction of Her Majesty's Privy Council.

Construction of First Part of the Sanitary Act, 1866.

11. In the Construction of the First Part of the Sanitary Act, 1866, "Owner" shall have the same Meaning as it has in the Second Part of the said Act; and Notices may be served for the Purposes of the First Part of the said Act in the same Manner in which they are required to be served under the Second Part of the said Act.

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