CHAP. lxxix.

An Act for extending the powers of the Corporation of Sheffield in relation to certain matters of Police, and to increase the number of Councillors and Aldermen; and for other purposes. [29th June 1871.]

A.D. 1871.

WHEREAS the borough of Sheffield in the county of York (in this Act referred to as the borough) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as the Corporation):

And whereas the borough is divided into nine wards, and the population of the borough has of late years very greatly increased and is still increasing, more especially in the Brightside Ward and the Nether Hallam Ward, and it is expedient that the number of councillors to be annually elected by each of those wards should be increased, and the number of aldermen should be proportionately increased:

And whereas it is expedient that the mayor should be empowered from time to time to alter the number of polling places in each ward at elections for councillors, auditors, and assessors, and that the alderman presiding at any such elections at any ward should be empowered to appoint deputies:

And whereas the Local Government Act, 1858, which incorporates the provisions of the Towns Police Clauses Act, 1847, with respect to obstructions and nuisances in the streets, to hackney carriages, and to other matters, is in force within the borough:

And whereas it is expedient to extend in certain respects the powers of the Corporation relative to matters of police, and to other matters of local government:

And whereas the objects aforesaid 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same as follows; (that is to say,)

A.D. 1871.

Short title.

1. This Act may for all purposes be cited as the Sheffield Improvement Act, 1871.

Commencement of Act.

2. This Act shall commence from and immediately after the thirty-first day of August one thousand eight hundred and seventy-one.

Interpretation of terms.

3. In this Act—

The term "the borough" means the municipal borough of Sheffield, and the terms "the corporation," "the mayor," "the council," and "the borough fund" mean respectively the mayor, aldermen, and burgesses of the borough, and the mayor and the council for the time being of the borough, and the borough fund of the borough:

The term "the Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide for the regulation of "Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England:

The term "justice" means a justice of the peace for the borough or for the county of York, or any riding or division thereof, or a stipendiary justice appointed under the Act of the session of the ninth and tenth years of the reign of Her present Majesty, chapter sixty-five, or under any other Act for the time being in force:

The term "two justices" means two or more justices assembled and acting together, or any stipendiary justice appointed as aforesaid:

The term "street" extends to and includes any road, square, court, alley, and thoroughfare or public passage within the borough:

The term "court" means the whole or any part of any court, alley, entry, passage, yard, way, or place made before or after the commencement of this Act, and used with or appurtenant to two or more dwelling-houses:

The term "owner" means the person who for the time being receives the rackrent of the lands with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if the lands were let at a rackrent, and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands:

The term "occupier" means the person for the time being in actual occupation or possession of the lands with reference to which that term is used:

The term "carriage" includes omnibus, car, cab, or any vehicle of what nature soever made or used for the conveyance of persons in a street:

The term "omnibus" or "wagonette" means any carriage used for the purpose of standing or plying for passengers to be carried for hire at separate fares:

The term "cattle" includes horses, asses, mules, sheep, goats, and swine:

The term "driver" means the driver or conductor of a carriage:

And in this Act, and in any Act incorporated wholly or in part with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute.

Act to extend to borough.

4. This Act shall apply to and within the borough exclusively.

Act to be executed by council.

5. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts and other laws for the time being affecting the Corporation.

Council to consist of sixteen aldermen and forty-eight councillors.

6. On and from the first day of November one thousand eight hundred and seventy-one the council shall consist of sixty-four members, of whom sixteen shall be aldermen and forty-eight shall be councillors, and six of the councillors instead of three shall be elected by the Brightside Ward, and six of the councillors instead of three shall be elected by the Nether Hallam Ward, and the other councillors shall be elected by the other wards as heretofore.

As to election of councillors in Brightside and Nether Hallam Wards.

7. At the election for councillors which shall take place on the first day of November one thousand eight hundred and seventy-one, the councillor elected by the Brightside Ward, and the councillor elected by the Nether Hallam Ward, who but for the passing of this Act would have gone out of office, shall go out of office, and the other two councillors elected by the same wards respectively shall continue in office as if this Act had not been passed, and the Brightside Ward and the Nether Hallam Ward shall respectively at that election elect four councillors instead of one, and at every subsequent annual election for councillors the number of councillors elected by each of the said two wards who shall go out of office shall be two instead of one, and two councillors instead of one shall in each of the said wards be elected to supply the places of the councillors then going out of office.

A.D. 1871.

Providing for councillors in the two wards going out of office by rotation.

8. At the election for councillors which shall take place on the first day of November one thousand eight hundred and seventy-two, and on the first day of November one thousand eight hundred and seventy-three, the councillors elected by each of the said two wards who shall go out of office shall be one of the councillors who would then but for the passing of this Act have gone out of office, and one of the Councillors (to be selected in manner prescribed by the 31st section of the Municipal Corporations Act, 1835,) elected by the said wards respectively, on the first day of November one thousand eight hundred and seventy-one, and after the year one thousand eight hundred and seventy-three the councillors to go out of office in rotation in each of the said wards shall be those who have been longest in office, as provided by the said Act.

As to election of aldermen.

9. At the meeting of the council which shall be held on the ninth day of November one thousand eight hundred and seventy-one, the seven aldermen who but for the passing of this Act would then have gone out of office, shall go out of office, and the council shall elect nine aldermen instead of seven and at the meeting of the council which shall be held on the ninth day of November one thousand eight hundred and seventy-four, and at every subsequent periodical meeting of the council whereat aldermen are elected to supply the places of aldermen going out of office by rotation, the number of aldermen to go out of office by rotation, and of aldermen to be elected in their place, shall be eight instead of six.

Providing for aldermen going out of office by rotation.

10. At the meeting of the council which shall be held on the ninth day of November one thousand eight hundred and seventy-four, the aldermen to go out of office shall be the same aldermen who but for the passing of this Act would then have gone out of office, and such one of the aldermen elected at the meeting held on the ninth day of November one thousand eight hundred and seventy-one as shall at that meeting have been appointed by the councillors to go out of office in the year one thousand eight hundred and seventy-four, in the manner provided by the 25th section of the Municipal Corporations Act, 1835; and after the year one thousand eight hundred and seventy-four the aldermen to go out of office in rotation shall be those who have been longest in office, as provided by the said Act.

Aldermen and councillors going out of office to be eligible for re-election.

11. Every alderman and councillor going out of office by rotation under the provisions of this Act shall be eligible for re-election as under the Municipal Corporations Act, 1835, and in all other respects the provisions of that Act shall be applicable to and within the borough, except where they may be expressly varied by this Act.

As to appointment of polling places and deputies in wards.

12. At every election for councillors, auditors, or assessors within the borough the mayor shall in each ward have the same powers of appointing the number of booths or polling places, and of fixing the situation of each booth or polling place, as he has within the whole of a borough when such borough is not divided into wards, and the aldermen appointed to preside at elections in any ward shall have the same power of appointing a deputy to preside at each booth or polling place within the ward as the mayor has to appoint deputies to preside at booths or polling places where a borough is not divided into wards.

Penalty for riotous or indecent behaviour in police office, &c.

13. If any person is guilty of any violent, disorderly, or indecent behaviour in any police office or police station, he shall be liable to a penalty not exceeding forty shillings, or in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding seven days.

Extending section 28 of 10 & 11 Vict. c. 89. to certain offences.

14. Section 28 of the Towns Police Clauses Act, 1847, as applicable within the borough, shall extend and apply to the following offences as if the same respectively had been specially mentioned in that section; that is to say,

Every person who, occupying a blacksmith's, whitesmith's, or nailmaker's shop, having a door or window or other opening fronting or opening into or towards a street, does not by good and close doors or shutters every evening, not later than a half an hour after sunset, prevent the light from such shop shining into any street:

Every person who to the obstruction, annoyance, or danger of any resident or passenger in any street or court keeps any gaslight or other light flaring or unprotected extending to or over any street:

Every person who discharges smoke or steam from a building (otherwise than from the top thereof) into a street, or who constructs or uses a steam pipe, flue, or funnel (not being the funnel of a locomotive engine) so that the condensed water or moisture must usually fall into a street:

Every person who at one time drives more than one cart:

Every person who writes or draws any profane, indecent, obscene, or offensive word, character, figure, or representation on any building, wall, fence, hoarding, or other erection anywhere in the borough:

Every person who, by himself or his agent, without the consent of the owner or occupier of a building, wall, fence, hoarding, or other erection anywhere in the borough, affixes thereto any posting bill or other paper, or by any writing or drawing or otherwise marks or disfigures the same, or with or without such

A.D. 1871.

consent affixes thereto any bill, paper, document, print, drawing, photograph, painting, or representation of an indecent or obscene character, or referring to any disease of a loathsome or secret kind:

Every person who throws down goods, produce, wares, or merchandise out of an upper storey of a warehouse, or of any other building used for any trade, manufacture, or business, and every person being the occupier of any warehouse or other such building out of which goods, produce, wares, or merchandise are or is so thrown down, but so that one penalty only be recoverable for the same offence.

Regulations as to dogs.

15. Any constable may take possession of any dog found in any street in the borough, and not under the control of any person, and may detain such dog until the owner has claimed the same, and paid all expenses incurred by reason of such detention. The chief constable, if he sees fit, may issue a notice requiring any dog while in the streets, and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction; and any constable may take possession of any dog found loose in the streets without such muzzle during the currency of such order, and may detain such dog until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

Where dog has a collar with address letter to be sent.

16. Where any dog taken possession of by any constable wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by the chief constable by post to the address inscribed on the collar.

After seven days detention unclaimed dog may be sold or destroyed.

17. The chief constable may cause any dog which has remained in the possession of any constable for seven clear days without the owner claiming the same, and paying all expenses incurred by its detention, to be sold or destroyed. Any moneys arising from the sale of any dogs in pursuance of this section shall be applied in the manner in which penalties under this Act are applicable.

Mad dogs.

18. Any constable or other officer appointed by the Corporation may destroy any dog or other animal within the borough reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal reasonably suspected to have been in a rabid state.

Prohibition as to diseased cattle.

19. If any person exposes or offers for sale, or brings or attempts to bring through any street, any animal comprised under the definition of cattle in this Act, infected with or labouring under any infectious or contagious disease, knowing the same to be infected

with or labouring under any such disease, he shall be liable to a penalty not exceeding twenty pounds.

Penalty for injury to churches.

20. If any person injures or defaces any church, chapel, or other public building, or any tomb, monumental stone, or inscription in any churchyard or burial ground, or fixes up any bill or paper, other than such as may be lawfully affixed thereto, against any such building, or writes with chalk or any other matter thereon, he shall be liable to a penalty not exceeding five pounds, and shall make good all damage done or occasioned thereby.

Street musicians to depart when desired to do so.

21. Any householder, personally or by his servant or by any constable, may require any street musician or singer to depart from the neighbourhood of the house of such householder; and every person who sounds or plays upon any musical instrument, or sings in any street near or within hearing of such house, after being so required to depart, shall be liable to a penalty not exceeding forty shillings.

Regulations for preventing obstructions in streets.

22. The mayor may from time to time make regulations for directing the passage and stoppage of vehicles along or in particular streets, so as to prevent obstruction therein and facilitate the transit through the same of vehicles, animals, and foot passengers, and may direct particular routes to be taken for particular descriptions of traffic, and prohibit the passage or stoppage of particular vehicles through or in certain streets at certain times of the day or night.

Preventing meetings of persons to cause obstructions or insult passengers in the streets.

23. If three or more persons shall be assembled together in any street at any time of the day or night, so as to obstruct the free passage of foot passengers along any footway in such street, or for the purpose of assaulting, insulting, or annoying foot passengers, and if any of such persons shall not comply with the direction of any constable to move away so as to leave the footway unobstructed, or shall assault, insult, or annoy any foot passenger, he shall be liable to a penalty not exceeding five pounds, and such persons shall be deemed to be assembled together for the purpose of assaulting, insulting, or annoying foot passengers within the meaning of this Act, if, being assembled together, one or more of them shall assault, insult, or annoy any such foot passenger.

Prohibition of betting in streets.

24. Any three or more persons assembled together in any part of a street within the borough for the purpose of betting shall be deemed to be obstructing the street, and each of such persons shall be liable to a penalty not exceeding five pounds; and any constable may take into custody, without warrant, any person who may commit such offence in view of such constable.

A.D. 1871.

Waste land to be fenced.

25. If the owner or occupier of any vacant or waste land which is in a state to cause danger or a nuisance to the public allows the same to remain unfenced or the fences thereof to remain out of repair after the expiration of seven days notice from the surveyor, the Corporation may cause the same to be fenced or may cause the fences to be repaired, and the expenses thereby incurred shall be recoverable from such owner or occupier as damages.

Penalties on brothel keepers, &c.

26. If any person keeps or acts or assists in the management of a brothel or other disorderly house, room, or other place, he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned, with or without hard labour, for any term not exceeding one month.

Power to license dealers in marine stores, &c.

27. The Corporation may from time to time grant to every such person as they think fit a license to carry on the business of a dealer in marine stores or in old metals (within the meaning of enactments relating to dealers of those classes respectively).

Power to make bye-laws as to dealers in marine stores, &c.

28. With respect to such dealers and their licenses, the Corporation may from time to time make byelaws for all or any of the following purposes; namely,

For regulating the applications for such licenses, and the form and contents and signature thereof, and the registration thereof, and of matters relative thereto:

For regulating the duration of every such license, and providing for the suspension or revocation thereof by the Corporation:

For requiring every person so licensed to give notice to the Corporation in case of his changing his place of abode or his place of carrying on his business, either to a different building or to a different or additional part of the same building:

For requiring every person so licensed to keep exhibited outside his place of business his name and occupation, and any other particulars:

For requiring every person so licensed to enter in a book the description and the price of every article purchased or acquired by him in the course of his business, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and of the person to whom the same is sold, and the date of sale, and any other particulars, and for securing free access to every such book to the Corporation, their officers and servants, and persons authorised by the Corporation to inspect the same.

Licenses may be suspended or revoked.

29. Any such license may be suspended or revoked by any two justices before whom the person licensed is convicted of any offence making it in the opinion of such justices expedient that such license should be suspended or revoked.

Penalty on persons carrying on business without license.

30. If any person after the expiration of one month from the commencement of this Act carries on while unlicensed the business of such a dealer as aforesaid, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding two pounds for every day during which such offence continues after the day on which the first penalty is imposed.

Provisions as to dealers in old metals not to apply to manufacturers.

31. Provided always, that no person carrying on business as a bonâ fide converter of steel or iron, and rateable in respect of manufacturing premises, with converting furnaces therein, and using scrap or old metal in the ordinary course of manufacture, shall be deemed to be a dealer in old metals within the meaning of the sections of this Act applicable to dealers in old metals.

Power to license omnibuses, wagonettes, and porters carts and drivers.

32. The Corporation may from time to time license for a year such number of porters carts to ply for hire within the borough, and such omnibuses and wagonettes, and such number of persons to act as drivers thereof respectively, as they think fit.

Prohibition of use of carts, carriages, &c. without license.

33. If the proprietor of or any person interested in any cart or carriage permits it while unlicensed to be used as a porter's cart plying for hire, or an omnibus or wagonette, or if any person is found driving for hire, or standing or plying for hire with any cart, omnibus, or wagonette, while it is unlicensed, he shall be liable to a penalty not exceeding forty shillings.

Prohibition of unlicensed persons acting as drivers.

34. If any person while unlicensed acts as driver of a licensed omnibus or wagonette, or if any licensed driver lends his license or parts with the possession of it, or fails to produce it when required by any justice, or by any hackney carriage inspector, or by any constable, or if the proprietor of an omnibus or wagonette employs an unlicensed person as driver thereof, he shall be liable to a penalty not exceeding forty shillings.

Power to make bye-laws as to hackney carriages, porters carts, and wagonette drivers.

35. The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating the mode of application for and the issuing of licenses for omnibuses and wagonettes, and the drivers thereof, porters carts and porters in charge thereof, and the fees to be paid for licenses (not exceeding in the case of a porter's cart one shilling, and in the case of omnibuses and wagonettes five shillings, for any such license for twelve months, and in the like proportion for any shorter period), and the form and contents of licenses and the registering thereof, and of matters relative thereto, and the duration of licenses, and the custody, production, and delivering up of the same, and the conditions on which the same are to be held, or may be revoked or suspended:

For regulating the conduct of the proprietors and drivers of omnibuses and wagonettes in their several employments, and

A.D. 1871.

determining whether such drivers shall wear any and what badge, and for regulating the hours within which they may exercise their calling:

For the numbering and identifying of porters carts, omnibuses, and wagonettes, and for regulating the manner in which the numbers are to be displayed:

For punishing misconduct of drivers of omnibuses or wagonettes in refusing or neglecting to drive as required, and for preventing carrying in or upon omnibuses or wagonettes dead bodies, or persons having any infectious, contagious, or loathsome disease:

For compelling the drivers of hackney carriages to go to particular stands at the discretion of the council, or of any committee appointed by them:

For securing the safe custody and re-delivery of property accidentally left in any porter's cart, omnibus, or wagonette, and fixing the charges to be paid in respect thereof.

Penalty for fraudulent use of numbers, &c.

36. If any person fraudulently or with intent to deceive does either of the following things; namely,

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any licensed porter's cart, omnibus, or wagonette;

(2.) Affixes or carries on his person any badge, figure or number to resemble any badge, figure, or number appointed by the Corporation to be carried by a licensed driver or porter;

he shall be liable to a penalty not exceeding forty shillings.

Driver called off his stand and then dismissed entitled to fare.

37. The driver of any hackney carriage called off his stand to take up a person shall be entitled to charge for the distance he has driven to take up such person, if the person by or on whose account he has been called declines to use his carriage.

Drivers not to act without consent of proprietors, &c.

38. It shall not be lawful for any person authorised by the proprietor of any omnibus or wagonette to act as driver thereof to suffer any other person to act as driver thereof without the consent of the proprietor thereof, or for any person, whether licensed or not, to act as driver of any such omnibus or wagonette without the consent of the proprietor thereof; and if any person offends in any respect against the present enactment he shall be liable to a penalty not exceeding forty shillings.

Penalty on driver for misconduct, &c.

39. If the driver of, or any person having or pretending to have the care of, any omnibus or wagonette is intoxicated while

driving, or by wanton and furious driving, or by any other wilful misconduct, injures or endangers any person in his life, limbs, or property, he shall be liable to a penalty not exceeding five pounds.

Liability of proprietor to compensation for damage done by driver.

40. Where any hurt or damage is caused to any person or property by the driver of any omnibus or wagonette, the justice before whom the driver is convicted may order that the proprietor of the omnibus or wagonette do pay such sum, not exceeding five pounds, as appears to the justice reasonable compensation for such hurt or damage, and every proprietor who pays any such compensation may recover the same from the driver, and all such compensation shall be recoverable as damages.

Endorsement of conviction of driver on license.

41. Where any licensed driver complained of is adjudged guilty of the offence alleged against him, the justice before whom he is convicted shall make an endorsement on his license stating the offence and the amount of the penalty inflicted.

Compensation, &c. to driver acquitted.

42. If the driver of an omnibus or wagonette is summoned or brought before any justice to answer any complaint or information concerning any offence alleged to have been committed by him against this Act, or any byelaw under it, and the complaint or information is withdrawn or quashed or dismissed, or the driver is acquitted of the offence charged against him, the justice may order the complainant or informant to pay to the driver such compensation for his loss of time in attending the justice concerning the complaint or information as to the justice seems reasonable, and in default of payment of such compensation the justice may commit the complainant or informant to prison for any time not exceeding one month unless the same is sooner paid.

Recovery of fare.

43. If any person refuses to pay on demand to any proprietor or driver of any omnibus or wagonette the fare to which he is entitled, the same may be recovered with costs before a justice as a penalty.

Power to make byelaws as to omnibuses, carts, &c.

44. The Corporation may from time to time make byelaws for all or any of the purposes following; (that is to say,)

For regulating omnibuses, wagonettes, and stage carriages in the streets, and the conduct of the drivers and conductors thereof, and touching the number and fitness of the animals to be employed to draw the same.

Power to make byelaws as to porters and drovers.

45. The Corporation may from time to time make byelaws for all or any of the purposes following; (that is to say,)

For licensing porters (that is to say, persons following the business of carrying errands, messages, parcels, or luggage for hire) and drovers (that is to say, persons offering themselves to

A.D. 1871.

lead or drive cattle for hire), and for charging any fee not exceeding one shilling for any such license for twelve months, and in the like proportion for any shorter period, and for regulating the conduct of porters and drovers in their employments, and determining whether porters and drovers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For fixing the stands of porters and drovers, and the distance to which they may be compelled to go in the exercise of their calling, not exceeding, in the case of porters three miles, and in the case of drovers twenty miles, beyond the boundary of the borough:

For fixing the charges, as well for time as for distance, to be paid to porters or drovers, and for securing the due publication of such charges:

For securing the safe custody and re-delivery of any property accidentally left with porters or drovers, and fixing the charges to be paid in respect thereof:

And in any such byelaws the Corporation may (if they think fit) adopt and apply to porters and drovers, mutatis mutandis, any of the provisions of the Towns Police Clauses Act, 1847, relative to drivers of hackney carriages, so far as the same are applicable.

Provisions as to byelaws.

46. The provisions of the Public Health Act, 1848, with respect to byelaws contained in the 115th and 116th sections of that Act shall be applicable with respect to all byelaws to be made under the provisions of this Act, in like manner in all respects as if such byelaws had been made by the Corporation under the Local Government Act, 1858.

Provisions with respect to recovery of damages and penalties.

47. The provisions of the Public Health Act, 1848, with respect to the recovery of damages and penalties contained in the 129th and following sections of that Act to the 135th section inclusive, shall be applicable with respect to the recovery of damages, and with respect to penalties under this Act, in like manner in all respects as if such damages had been incurred or sustained, or were recoverable, or such penalties had been imposed by or under the Local Government Act, 1858.

Expenses of Act.

48. All the costs, charges, and expenses preliminary to, and of and incidental to the preparing, applying for, obtaining, and passing of this Act, shall be borne by the Corporation, and shall be paid by them out of the borough fund and general district fund in equal shares.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1871.