CHAPTER lxiii.

An Act for conferring on the Corporation of the borough of Stafford further sanitary and other powers. A.D. 1896.

[2nd July 1896.]

WHEREAS the borough of Stafford in the county of Stafford (in this Act called "the borough") is a municipal borough subject to the Municipal Corporations Acts and under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the Corporation acting by the council are the sanitary authority of the borough:

And whereas the Corporation have constructed and are the owners of waterworks by means of which they obtain an abundant supply of water:

And whereas the present system of closet accommodation in the borough is that of privies pail closets and other like conveniences and the collection removal and disposal of their contents being inconvenient and costly it is expedient that some form of water-closet accommodation be substituted throughout the borough as far as practicable for the existing forms of closet accommodation:

And whereas in view of such substitution the Corporation are laying new sewers which are intended to be worked in combination with the existing sewers on the system of dealing with sewage matter and surface water in separate sets of sewers and it is expedient to enable the Corporation to adopt and enforce such separate system accordingly:

And whereas for the purposes of the execution of this Act it is expedient to authorise the Corporation to raise further moneys:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of November 1895 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Staffordshire Chronicle a local newspaper published or circulating in the borough such notice

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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 borough fund or district fund or paid out of the money to be borrowed under the powers of this Act:

And whereas such resolution was published twice in the Staffordshire Chronicle a local newspaper published or circulating in the borough 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 on the thirteenth day of January 1896 in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Stafford Corporation Act 1896.

Execution of Act.

2. This Act shall be carried into execution by the Corporation acting by the council.

Interpretation.

3. In this Act unless the context otherwise requires—

"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith;

"Watercloset" means a closet accommodation on the water carriage system flushed by means of fresh water supply;

"Slop watercloset" means a closet accommodation on the water carriage system flushed with slops or refuse liquids of the household or rain water;

"Trough closet" means a closet accommodation on the water carriage system suitable to the use of the occupiers of two or more dwelling-houses or to the use of a large number of persons and flushed with slops refuse liquids rain water or fresh water;

"Daily penalty" means a penalty for each day on which an offence is continued after conviction thereof;

"Owner" and "premises" have the meanings respectively assigned to them by the Public Health Act 1875:

Expressions to which meanings are assigned by the Public Health Act 1875 have the same respective meanings.

Regulations as to future closet accommodation.

4. (1) All closet accommodation provided within the borough after the passing of this Act shall (except in cases where no sufficient sewer and water supply are reasonably available) be so constructed supplied with water and connected with the sewers of the Corporation as to effectually remove all human excreta and other sewage by water carriage any enactment in any local or general Act to the contrary notwithstanding.

(2) No closet accommodation shall be erected or attached to any house or building after the passing of this Act except in accordance with such regulations as may be from time to time prescribed by byelaws of the Corporation.

(3) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Powers for conversion of existing closet accommodation.

5. It shall be lawful for the Corporation in all cases where a sufficient sewer and water supply are reasonably available to convert any existing closet accommodation (other than a watercloset) into a slop watercloset trough closet or watercloset and the Corporation their surveyor contractors and workmen may at all reasonable times after fourteen days' notice in writing has been given to the occupier or left on the premises to which any such closet accommodation is attached enter such premises and execute and do all works and things necessary for that purpose including the fitting up of such pipes sinks and apparatus the laying down of such drains and the making of such connexions with sewers and drains as may in the opinion of the borough surveyor be necessary or proper for the effectual removal of human excreta and other sewage by water carriage subject to the following provisions (namely) :—

(i) Where the closet accommodation to be converted is in good order and condition the whole expense of the new closet accommodation shall be borne by the Corporation :

(ii) Where the closet accommodation to be converted is not in good order and condition the owner of the premises to which it is attached shall bear such proportion of the expenses of the new closet accommodation as is estimated by the borough surveyor to be equivalent to the sum which it would cost to put the existing closet accommodation into good order and condition and the balance of such expense shall be borne by the Corporation A copy of the estimate of the borough surveyor shall be delivered to the owner of the premises and the existing closet accommodation shall not be interfered with until either the time herein-after limited for application to a court of summary

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jurisdiction has expired without any such application being made or (in the event of such an application being duly made) the independent surveyor or valuer herein-after mentioned has had an opportunity of inspecting the premises for which purpose he is hereby authorised to enter accordingly after reasonable notice given:

(iii) In the case of premises which possess a drain sufficient for the proper drainage of the premises under the conditions of the existing closet accommodation and such drain is connected with an existing sewer the expense of making any new drain and sewer connexion which may be requisite in consequence of the conversion shall be borne by the Corporation:

(iv) In the case of premises which do not possess such a drain so connected as aforesaid the expense of making any such new drain and sewer connexion as aforesaid shall be borne by the owner of the premises:

(v) Any sum payable by an owner under this section shall be recoverable in any of the modes in which private improvement expenses are for the time being recoverable by the Corporation:

(vi) Any person dissatisfied with any decision or estimate of the borough surveyor under this section (except a decision as to the connexion of any drain with a sewer) may at any time within fourteen days after the giving of such decision or the delivery of such estimate and after giving not less than forty-eight hours' written notice of his intention to the town clerk apply to a court of summary jurisdiction constituted of any two or more justices for the county of Stafford for the appointment of an independent surveyor or valuer to determine the question in dispute and such court shall thereupon appoint an independent surveyor or valuer to settle the question and his decision shall be binding and conclusive and the costs of the reference shall be in his discretion.

Byelaws as to closet accommodation.

6. The Corporation may from time to time make byelaws with respect to and may by means of such byelaws prescribe the size description materials position mode of ventilation and level of all waterclosets slop waterclosets and trough closets and of the apparatus for and the manner of flushing the same.

Application of provisions of Public Health Act as to byelaws.

7. The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws from time to time made by the Corporation under the powers of this Act.

Provision as to separate system of sewerage.

8. (1) From and after the passing of this Act the Corporation may from time to time by resolution declare that any sewer or

sewers for the time being belonging to them shall be appropriated and used for sewage (in this Act called "a sewage sewer") and they may also declare that any other sewer or sewers for the time being belonging to them shall be appropriated and used for surface water (in this Act called "a surface water sewer") and after any such appropriation no sewage shall be permitted to flow or to pass into a surface water sewer of the Corporation or into any drain gutter or watercourse leading thereto and no surface water shall except with the consent in writing of the Corporation be permitted to flow or pass into any sewage sewer of the Corporation.

(2) Where at the time of any such appropriation sewage from any premises shall flow or pass through any drain communicating with any surface water sewer or any surface water from any premises shall flow through any drain communicating with any sewage sewer the Corporation may execute and do such works and things as may be necessary to cause such drain to communicate with the appropriate sewer.

(3) If after any such appropriation and the completion of the necessary works by the Corporation under the provisions of the preceding sub-section any person shall cause or knowingly permit any sewage to flow or pass into any surface water sewer or without the consent in writing of the Corporation shall cause or knowingly permit any surface water to flow or pass into any sewage sewer the person so offending shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings and the Corporation may close any drain communicating with any such inappropriate sewer and may recover in a summary manner from the person offending any expense thereby incurred Provided that no penalty or expenses shall be incurred by any person in respect of a communication with any sewer existing at the time of the passing of the resolution appropriating any such sewer.

Power to borrow.

9. For the purposes of the execution of this Act and of defraying the costs charges and expenses of obtaining the same the Corporation may independently of any other borrowing power from time to time borrow with the sanction of the Local Government Board any sums not exceeding in the whole twenty thousand pounds and may mortgage the district fund and general district rate of the borough to secure the repayment of any sums so borrowed.

Inquiries by and costs of Local Government Board.

10. (1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for the purposes of this Act and the inspectors of the Board shall for the purposes of any such inquiry have all such powers as they have in the case of inquiries directed by the Board under the Public Health Act 1875.

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(2) The Corporation shall pay to the Local Government Board any expenses incurred by the Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Board not exceeding three guineas a day for the services of such inspector.

Certain regulations of Public Health Act as to borrowing not to apply.

11. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

12. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage;
Section 237. Register of mortgages;
Section 238. Transfer of mortgages;
Section 239. Receiver may be appointed in certain cases.

Period for payment off of money borrowed.

13. The Corporation shall pay off all moneys borrowed by them under this Act within such period or periods as may be sanctioned by the Local Government Board.

Power to borrow under Local Loans Act 1875.

14. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another and for the purposes of this section the general district rate shall be deemed to be the local rate as defined by the Local Loans Act 1875 Provided that the sections of this Act whereof the marginal notes are "Provisions as to sinking fund" and "Application of sinking fund" shall apply in lieu of the corresponding enactments of the Local Loans Acts.

Mode of payment off of money borrowed.

15. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds.

Provisions as to sinking fund.

16. (1) Where the Corporation effect the repayment of any sum borrowed under this Act by means of a sinking fund they shall in every year pay out of the funds or rates on the security of which such sum was borrowed such equal annual sum as will with the

accumulation thereof by way of compound interest calculated at a rate not exceeding three per centum per annum be sufficient to pay off the whole of the sum borrowed within the period fixed for such repayment.

(2) The date for the first payment into a sinking fund in respect of any sum borrowed under this Act shall be the thirty-first day of March next following the date on which such sum was borrowed.

(3) All sums paid into a sinking fund shall as soon as practicable be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debenture stock or other securities (not being annuities or securities payable to bearer) authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Corporation and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and be invested by the Corporation in like manner.

(4) If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the respective funds rates tolls or revenue which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments.

Application of sinking fund.

17. (1) The Corporation may at any time apply the whole or any part of a sinking fund in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created.

(2) Whenever any of such principal moneys have been so paid off the Corporation shall thenceforward until the whole of the principal moneys owing by the Corporation under this Act have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the equal annual payments to the fund are based.

(3) When and so long as the securities standing to the credit of the sinking fund shall at the market price of the day be equal in value to the principal moneys then due and outstanding the Corporation may in lieu of investing the yearly income arising from

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the sinking fund apply the same in payment of the interest of the principal moneys then due and outstanding and may during such period discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to reborrow.

18. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Protection of lender from inquiry.

19. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

20. The Corporation shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them under this Act may be subject but the receipt of the person or persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for loan stands in the books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Annual return to Local Government Board with respect to sinking funds.

21. (1) The town clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified

by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining uninvested at the end of the year.

(2) In the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner.

(3) If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart any sum required under this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Application of money borrowed.

22. Money borrowed by the Corporation under this Act shall be applied only for the purposes of this Act for which it is authorised to be borrowed being in all cases purposes to which capital is properly applicable.

Power to apply general district rate.

23. The Corporation may apply the district fund and general district rate of the borough to the payment of any expenses incurred by them in the execution of this Act which are not defrayed out of borrowed moneys or recovered from owners or occupiers of premises.

Accounts and audit.

24. The Corporation shall cause to be kept proper accounts of all moneys received and expended under this Act and those accounts shall be audited in like manner and with like incidents and consequences as accounts of the Corporation under the Public Health Act 1875.

Penalty on occupier obstructing execution of Act.

25. If the occupier of any premises obstruct any officer of the Corporation in the execution of this Act or when requested by or on behalf of the Corporation for the purposes of this Act to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully misstates the same he shall

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(unless he shows a cause to the satisfaction of the Court for his refusal) be liable to a penalty not exceeding five pounds.

Recovery of penalties &c.

26. Offences against this Act and penalties costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Costs of Act.

27. All the costs charges and expenses preliminary to and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general district rate or out of moneys to be borrowed under the powers of this Act.

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