CHAPTER ccxliv.

An Act to confer powers on the Tottenham Local Board of Health with regard to Local Government within their District. [18th August 1890.]

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WHEREAS in the year 1850 the provisions of the Public Health Act 1848 were applied to the parish of Tottenham in the county of Middlesex which thereupon became the district of Tottenham in the county of Middlesex for all the purposes of the said Act:

And whereas by the Tottenham Local Board (Division of District) Act 1888 provision was made for the constitution of the Wood Green Local Board and part of the parish of Tottenham described in the First Schedule to the said Act was severed from the jurisdiction of the Tottenham Local Board and was constituted the district of the Wood Green Local Board: 51 & 52 Vict. c. clxxxvii.

And whereas by virtue of the said Acts and of the Public Health Act 1875 the local board of health for the district of Tottenham are the urban sanitary authority for their district which now comprises that part of the parish of Tottenham which is not included in the district of the Wood Green Local Board:

And whereas the district of Tottenham adjoins and practically forms part of the metropolis and the population thereof has of late years greatly increased:

And whereas parts of the waste common or lammas lands in the parish of Tottenham have from time to time been taken by railway companies under the powers of special Acts and other parts of such lands have been inclosed and the moneys received by way of purchase money or compensation in respect of the said lands have from time to time been invested:

And whereas a description of the said moneys and of the source whence they have been obtained is given in the First Schedule to this Act:

[*Price* 3*s.* 3*d.*]

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And whereas by the Metropolitan Commons Supplemental Act 1882 a scheme for the establishment of local management with respect to Tottenham commons certified by the Inclosure Commissioners for England and Wales was confirmed whereby it was provided that the waste or common lands in the said scheme mentioned or referred to in the parish of Tottenham should be regulated and managed by the Local Board under the several powers and provisions in the said scheme contained:

52 & 53 Vict. c. ix.

And whereas by the Wood Green Local Board Act 1889 the Wood Green Local Board were empowered to require certain payments to be made to them out of the said moneys for certain purposes therein specified not to exceed in the aggregate three thousand pounds exclusive of interest:

And whereas the Wood Green Local Board have not as yet required payment of the said amount and it is expedient that provision should be made for transferring to the Local Board in the manner and for the purposes herein-after specified the residue of the said moneys which will remain after paying to the Wood Green Local Board the amount to which they are entitled under the said Act:

And whereas there is not in the parish of Tottenham any building suitable for a vestry hall or place of vestry meeting nor are there any buildings or offices suitable for the transaction of parochial business And the present offices occupied by the Local Board and also used by the school board for Tottenham are held for a short term on lease from the trustees of charity lands of Tottenham and such vestry hall or place of meeting and offices as aforesaid are greatly needed:

And whereas the offices for the Local Board and for the school board for Tottenham and such vestry hall or place of meeting and offices for the said parish may advantageously be contained in one building but it would be more convenient and a saving of expense to the said parish that such building should be erected under one management and it is expedient that the Local Board should be empowered to erect such building and to make arrangements for the use occupation and management thereof and so that the Local Board school board and other authorities may have the benefit of such building:

And whereas owing to the position and character of the district and the increased railway facilities for communicating therewith a rapid rate of increase of population is likely to be maintained in the future and it is advisable that additional powers should be conferred on the Local Board for the better management of their district in

respect of sewerage drainage construction of new streets and buildings and the general improvement thereof:

And whereas it is also expedient that special provisions should be made as in this Act set forth for preventing the discharge of injurious matter into sewers and drains:

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the 3rd day of December 1889 after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Tottenham "Weekly Herald" 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 general district rate:

And whereas that resolution was published twice in the said Tottenham "Weekly Herald" 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 Local Board at a further special meeting held in pursuance of a similar notice on the fourteenth day of January one thousand eight hundred and ninety being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

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 Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Tottenham Local Board Act 1890.

Act to be divided into parts.

2. This Act is divided into parts as follows:—

Part I. Preliminary;

Part II. Transfer of waste lands funds;

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Part III. Public hall and offices;
Part IV. Sewerage;
Part V. Sanitary provisions;
Part VI. Infectious diseases;
Part VII. Streets and highways &c.;
Part VIII. Buildings &c.;
Part IX. Private street works;
Part X. Overhead wires;
Part XI. Miscellaneous.

Application of Act.

3. This Act shall except in so far as herein otherwise expressly provided apply to the district of the Tottenham Local Board of Health.

As to committees.

4. For the purposes of section 200 of the Public Health Act 1875 the purposes of that Act shall be deemed to include the purposes of this Act.

Interpretation of terms.

5. In and for the purposes of this Act the following words and expressions shall have the meanings herein-after respectively assigned thereto viz.:—

"The Local Board" means the Local Board of Health for the district of Tottenham;

"The district" means the district of the Local Board;

"Clerk" "surveyor" "medical officer" or "inspector of nuisances" mean respectively the clerk surveyor medical officer or inspector of nuisances of the Local Board;

"The trustees of the waste lands fund" means and includes the persons for the time being holding the funds described in the First Schedule to this Act and any like funds;

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

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

"Sanitary convenience" includes urinals waterclosets earth-closets privies ashpits and any similar convenience;

"Infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing enteric continued and puerperal fever scarlatina diphtheria membranous croup and erysipelas and any other disease to which the Infectious Disease (Notification) Act 1889 shall have been applied by the Local Board:

In and for the purposes of this Act terms to which meanings are assigned by the Public Health Act 1875 have the same respective meanings.

PART II.

Transfer of Waste Lands Funds.

Use of waste lands funds for open spaces &c.

6. If at any time and from time to time after the passing of this Act the Local Board shall desire to purchase or acquire or to join in purchasing or acquiring or to lay out or improve any open space or any lands for conversion into a park garden recreation ground or open space they may give notice in writing to the trustees of the waste lands fund by delivering such notice to the vestry clerk of the parish of Tottenham on behalf of the said trustees requiring them to pay to the Local Board such sum as therein specified and thereupon such trustees and all other persons (if any) having any legal right to or in the said funds shall pay assign and transfer the same to the Local Board and execute any deeds or transfers which may be necessary for that purpose :

Provided that no such purchase shall be made unless a resolution approving the site proposed to be purchased or acquired shall have been passed in the manner specified in the Third Schedule of the Public Health Act 1875 and provided also that the sum or sums so required to be paid shall not exceed the aggregate of the funds for the time being in the hands of such trustees including any interest thereon after paying or reserving for payment to the Wood Green Local Board the sum of three thousand pounds referred to in section 4 of the Wood Green Local Board Act 1889 and the interest thereon :

In the event of any future sale or inclosure of common waste or lammas lands within the district any sums of money paid in respect of the common or lammas rights by way of purchase money or compensation may at any time be paid to the Local Board by the persons who shall have received such money but no such payment shall be made to the Local Board unless a resolution approving such payment shall have been passed in manner aforesaid.

Funds to be applied only for open spaces.

7. Any funds so paid or transferred to the Local Board shall be applied only in the acquisition of lands within the district for the purpose of a park garden recreation ground or open space or for planting draining fencing inclosing laying out forming roads and footpaths and otherwise improving any such park garden recreation ground or open space or in the purchase and acquisition of any common manorial or other rights in or over any common or waste lands within the district of Tottenham and in defraying any costs and expenses relating thereto respectively.

Local Board not to sell lands.

8. The Local Board shall not sell or dispose of any lands acquired by them with the aid of any such funds But the Local Board may

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from time to time prohibit the use of any portion of the said lands so vested in and held by them as aforesaid for any particular purpose and may from time to time set apart and appropriate any particular portion thereof respectively for any particular purpose of recreation or amusement.

PART III.

Public Hall and Offices.

Power to acquire site and build hall and offices for parish purposes.

9. The Local Board may acquire in their district a site or sites for public buildings and may erect a hall office and other buildings on such site or sites or any part thereof for the purpose of providing office and other accommodation for the transaction of business or they may adapt and alter any existing buildings on any such site or sites for the same purposes And they may use the same for the meetings and transaction of the business of the Local Board:

And they may also from time to time permit the same or any part or parts thereof to be used by the school board burial board overseers and other public bodies and officers of the parish or district and for public and other meetings on such terms as may be from time to time agreed upon between the Local Board and the body or persons requiring the accommodation.

Provisions for control and management.

10. The control management and supervision of such building and of the erection thereof and of all matters relating thereto shall be entrusted to the Local Board and the cost of repairing maintaining and insuring such building or buildings shall be paid by the Local Board out of the general district rate.

Power to enter into agreements with other boards and persons.

11. The Local Board may from time to time enter into agreements with the school board and burial board for Tottenham and the overseers and officers for the said parish or district and other persons charged with the exercise of public or other functions in the interests of the said parish or district as to their occupancy of any part or parts of the said building or buildings and may if they think fit let any part of such building or buildings to the persons and bodies aforesaid for any term not exceeding twenty-one years and may engage to supply the part or parts so let to them with fires lighting and cleansing care and attendance.

Borrowing powers for building.

12. For the purpose of defraying the expenses of and incident to the purchase by the Local Board of land for the erection of the said buildings and for erecting the said buildings or any of them and of all such costs and expenses as are incident thereto and are properly chargeable to capital account such sums of money as the Local Government Board may from time to time authorise for that purpose

may be borrowed and taken up by the Local Board at interest on mortgage of the general district rate subject to the provisions of the Public Health Acts with reference to the borrowing of money.

PART IV.

Sewerage.

Extending provisions of the Lee Purification Act 1886.

13. It shall be lawful for the London County Council the board of works for the Hackney district (as constituted under the Metropolis Management Act 1855) and the Tottenham and Wood Green Joint Drainage Committee to enter into and carry into effect any agreement or agreements extending for a period of six months from the twenty-fifth day of June one thousand eight hundred and ninety-one (on such terms and conditions as may be therein expressed) the provisions of the Lee Purification Act 1886 as to the reception into the sewers of the said Hackney District Board and London County Council of the effluent water referred to in section 16 of the said Act of 1886.

Correcting connexions with sewers.

14. Whereas the Local Board have a duplicate system of sewers one set of sewers intended for the reception of sewage matter and the other intended for the reception of surface-water Therefore if and whenever the Local Board find that any sewer or drain which ought to be connected with a sewer intended for the reception of sewage matter is connected with a sewer intended for the reception of surface-water or vice versâ they may require the owner or owners for the time being of the premises with which such sewer or drain is connected to alter and correct the same at his or their own expense to the satisfaction of the Local Board or the Local Board may in their absolute discretion alter and correct such connexion and recover in a court of summary jurisdiction all the costs and expenses of and incidental thereto from the owner or owners of any premises with which the sewer or drain so altered was connected in such proportions (if there be more than one owner) as in case of dispute may be determined by the said court.

Power to construct drain for house if built in contravention of section 25 of Public Health Act 1875.

15. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the Local Board may cause the drain or drains in respect of which default has been made to be laid relaid or amended or remade as the case may require and may recover the expenses incurred by them in so doing from the owner as private improvement expenses.

Local Board may make communica-

16. If the owner or occupier of any premises within the district desires that any private sewer or drain from such premises shall be

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tions between private drains and their sewers on payment &c.

made to communicate with any sewer of the Local Board the Local Board may and shall make so much of such private sewer or drain as is to be constructed under any public highway and also the junction of such private sewer or drain with the sewer of the Local Board and may and shall execute all necessary works for those purposes upon the reasonable cost or estimated cost thereof being paid to the Local Board or the payment thereof to them being secured to their satisfaction.

Local Board may agree to make drains at expense of owner.

17. The Local Board may agree with the owner or occupier of any premises that any sewer or drain required to be made altered or enlarged by such owner or occupier or any part of such sewer or drain shall (as to so much thereof as shall be in a street or in any land intended to form part of a street) be constructed made altered and enlarged by the Local Board and the cost price of preparing the requisite plans and sections for and superintending making altering or enlarging such sewer or drain and also the cost of the execution of the works as estimated or certified by the surveyor shall be paid in advance to the Local Board by the owner or occupier so agreeing.

Injurious matters not to pass into sewers.

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

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

Chemical refuse steam &c. not to be turned into sewers.

19. (1) Every person who turns or permits to enter into any sewer of the Local Board or any drain communicating therewith—

(a) Any chemical refuse; or

(b) Any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit);

which either alone or in combination with the sewage is likely to cause a nuisance or to be injurious to health shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2) The Local Board by any of their officers either generally or specially authorised in that behalf in writing may enter any premises for the purpose of examining whether the provisions of this section are being contravened and if such entry be refused any justice on complaint on oath by such officer made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises may by order under his hand require

such person to admit the officer into the premises and if it be found that any offence under this section has been or is being committed in respect of the premises the order shall continue in force until the offence shall have ceased or the work necessary to prevent the recurrence thereof shall have been executed.

(3) A person shall not be liable to a penalty for an offence against this section until the Local Board have given him notice of the provisions of this section nor for an offence committed before the expiration of seven days from the service of such notice provided that the Local Board shall not be required to give the same person notice more than once.

River stream &c. choked up to be a nuisance under Public Health Act 1875.

20. Any river stream or watercourse or outfall for water or any part or parts thereof respectively so choked or silted up as to obstruct or impede the proper flow of water along or through the same and thereby to cause or render probable an overflow of such river stream watercourse or outfall for water on to or into land or property within the district shall be deemed a nuisance within the meaning of the ninety-first section of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream watercourse or outfall for water notwithstanding that the same may not be injurious to health.

Cleansing watercourses &c.

21. If a watercourse brook or ditch in the district requires in the opinion of the Local Board to be cleansed scoured deepened widened straightened diverted covered over or otherwise improved in order to prevent the flooding of adjacent land the Local Board may execute the necessary works after giving notice in writing to the owners and occupiers of the lands in which the work is proposed to be executed and may expend a sufficient sum in executing such permanent or other structural works in relation thereto as appear necessary or expedient The Local Board shall make compensation to every person who shall sustain any injury or damage by reason of the exercise of any power conferred by this section.

Local Board empowered to take proceedings for preventing obstructions in watercourses.

22. The Local Board may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourse or outfall for water within the district or for the removal of any obstruction from any watercourse or outfall for water.

Exemption of reservoirs &c. of East London Waterworks Company.

23. Nothing in the three last preceding sections of this Act shall apply to or confer any powers on the Local Board in respect of any river stream watercourse reservoir aqueduct conduit line of pipe intercepting drain sewer or cut belonging to the East London

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Waterworks Company except in respect of the culvert of the company carrying the intercepting drain or sewer from the north side of Ferry Lane southwards to the River Lea.

Separation of surface-water and sewage.

24. The Local Board may require owners and occupiers of dwelling-houses and buildings to drain separately sewage soapsuds and other injurious liquid into sewers and drains provided for the reception of sewage and to drain surface-water into sewers and drains provided for the reception of surface-drainage and may make and enforce byelaws relative thereto and may inflict penalties for the breach of such byelaws and such byelaws may enable the Local Board with due notice and if necessary the order of a justice to enter premises and lay open drains and sewers to ascertain if the said byelaws are complied with And if on such examination it shall turn out that such regulations have been properly complied with then all the costs incurred by the Local Board in and about such entry examination and search and the reinstatement of the premises drains and sewers shall be borne and defrayed by the Local Board and if it shall turn out that the said byelaws have not been complied with then all such costs and expenses shall be defrayed by the owner or occupier of the premises.

Power for Local Board to authorise inspection of drains privies and cesspools.

25. (1) The surveyor or any other person from time to time appointed by the Local Board may inspect any drain watercloset privy or cesspool or any sinks traps syphons pipes or other works or apparatus connected therewith and for that purpose may (on production of his authority if required) at all reasonable times in the daytime after six hours notice in writing has been given to the occupier of or left on the premises to which such drain watercloset privy or cesspool or such works or apparatus is attached enter with or without workmen on any premises and cause the ground to be opened wherever such surveyor thinks fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor or such person or workmen in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds :

(2) If such drain watercloset privy or cesspool or the connected works and apparatus be found on inspection as aforesaid to be properly made and in proper order and condition the Local Board shall cause the same to be reinstated and made good as soon as may be and the expenses of examination reinstating and making good such drain watercloset privy cesspool or other works or apparatus as aforesaid shall be defrayed by the Local Board and compensation shall be made by them for all damage or injury done or occasioned

by the examination of any such drain watercloset privy cesspool or other works or apparatus as aforesaid :

(3) If upon such inspection as aforesaid any drain watercloset privy or cesspool or the connected works or apparatus appear to be in bad order and condition or to require cleansing alteration or amendment or to be filled up the Local Board shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within such reasonable time as shall be specified in such notice to do the necessary works and if such notice be not complied with by the person to whom it is given the Local Board may if they think fit execute such works and may recover the expenses incurred by them in so doing from the owner or occupier of the premises in a summary manner.

PART V.

Sanitary Provisions.

Provision as to filling up cesspool &c.

26. If it appears to the Local Board by the report of the surveyor or inspector of nuisances or medical officer of health that any cesspool used at or at any time after the commencement of this Act as a receptacle for excreta or for the whole or any part of the drainage of any house or part of a house within the district or any ashpit belonging to any such house or part of a house is prejudicial to health or is inconveniently situated or is ill-constructed or is not water-tight or that for other sanitary reasons it is desirable that the same should be filled up or removed the Local Board may (if they think fit) by written notice require the owner or occupier of such house or part of a house within a reasonable time to be specified in such notice to cause such cesspool or ashpit to be filled up or removed and any drain communicating with such cesspool to be effectually disconnected destroyed and taken away and in cases where it appears by such report that any cosspool or ashpit is used in common by the occupiers of two or more houses or parts of houses such notice for the filling up or removal of such common cesspool or ashpit may be served on the owners or occupiers respectively who have the right to use the same cesspool or ashpit and the cost of filling up or removing such last-mentioned cesspool or ashpit shall be defrayed by the owners thereof in such proportion as the Local Board shall determine :

If any such notice as is mentioned in this section is not complied with or is not fully complied with the Local Board may at the expiration of the time specified in such notice do any work thereby required to be done which has not been done by the owner or occupier and may recover in a summary manner from the owner or (if there be more than one owner) from the owners in such shares

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and proportions as shall be apportioned and determined by the Local Board the expenses incurred by them in so doing.

Penalty for not cleansing closet &c.

27. If any privy pan closet watercloset earth-closet ashpit ash-tub or urinal used in common by the occupiers of two or more buildings or of separate parts of the same building or the approaches to or the walls floor seats or fittings of any such privy pan closet watercloset earth-closet ashpit ash-tub or urinal or any of them shall be in such a state or condition as to be a nuisance for want of the proper cleansing thereof then any one of the persons who shall have the use thereof in common as aforesaid and who shall be in default or in the absence of proof satisfactory to the justices as to which of them shall be in default each of the persons who shall have the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding five shillings.

Charge for emptying privies of rubbish.

28. If any trade refuse or any building or other materials or rubbish of a like description be deposited in any privy cesspool ashpit or ash-tub the Local Board may make a reasonable charge for the removal of the same which charge shall be paid to the Local Board by the occupier of the premises in respect of which the charge is made.

Entrances to courts &c. not to be closed &c. without consent of Local Board.

29. The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the commencement of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Local Board in writing.

Power to supply courts with watercloset &c.

30. The Local Board for the purpose of supplying a court or place with a watercloset earth-closet ashpit or other sanitary convenience may from time to time purchase by agreement any building and remove the same and execute all consequent structural and other works and the owner or owners of the houses in the court or place benefited thereby shall be liable to pay the cost of the purchase of such building and the other expenses incurred by the Local Board in the execution of this section and the amount thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place and the amount apportioned to each owner shall be payable by and recoverable from him in a summary way or as private improvement expenses under the Public Health Acts.

Rooms over privies not to be used as dwelling or sleeping rooms.

31. No room built before or after the commencement of this Act any portion of which extends immediately over any privy (not being a watercloset or earth-closet) cesspool midden or ashpit shall be occupied as a dwelling or sleeping or work room or place of habitual

employment of any person in any manufacture trade or business during any portion of the day or night and no person shall after the expiration of one month after the commencement of this Act knowingly occupy or suffer to be occupied as a dwelling or sleeping or work room any such room Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Urinals not to be placed in public places without consent of the Local Board.

32. (1) No person shall after the passing of this Act make or provide any urinal or similar convenience in any street or public place without the consent in writing of the Local Board.

(2) The Local Board may from time to time give notice in writing to the owner or occupier of any building or land requiring him within a reasonable time to be specified in such notice to abolish or to remove or to make structural alterations of any urinal or similar convenience belonging thereto or thereon which shall in the opinion of the Local Board be so situated or constructed as to be a nuisance or offensive to public decency and if such owner or occupier shall make default in complying with such requirement within the time specified in such notice the Local Board may if they think fit after they have given such owner or occupier an opportunity of appealing to and being heard by them remove such urinal or similar convenience or may execute the alterations so required and may recover summarily from such owner or occupier the expenses incurred by them in so doing.

Urinals for inns public-houses &c.

33. The Local Board may from time to time give notice in writing to the owner of any inn public-house or beershop whether built before or after the passing of this Act requiring him within a reasonable time to be specified in such notice to provide and maintain upon or adjoining such premises a urinal or urinals and if such owner shall make default in complying with such requirement to the satisfaction of the Local Board within the time specified in such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

Defining ashpit in Public Health Act 1875.

34. The term "ashpit" in the Public Health Act 1875 shall for the purposes of the execution within the district of that Act and of this Act include any ashtub or other proper receptacle for the deposit of ashes fæcal matter or other refuse.

Watercloset to be supplied with sufficient supply of water.

35. Where it appears to the Local Board upon the report of their surveyor that any closet designed or constructed as a watercloset in any house or building—

(a) Has not proper apparatus and fittings for affording sufficient water supply thereto the Local Board may by written notice to

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the owner thereof require such owner to provide such apparatus and fittings for that purpose as the surveyor shall reasonably think necessary;

(b) Has not any or has not a sufficient water supply;

the Local Board may by written notice to the owner or occupier thereof require such owner or occupier to provide a sufficient supply of water to such closet as the said surveyor shall reasonably think necessary:

Any owner or occupier who for the space of one month makes default in complying with the requirements of any such notice as aforesaid or any occupier who fails to keep such proper supply of water to any such closet shall for every day during which such failure continues be liable to a penalty not exceeding forty shillings.

Extension of sections 116 to 119 inclusive of Public Health Act 1875.

36. (1) The provisions contained in sections 116 to 119 (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the district.

(2) A justice may condemn any such article and order it to be destroyed or disposed of as mentioned in section 117 of the Public Health Act 1875 if satisfied on complaint being made to him that such article is diseased unsound unwholesome or unfit for the food of man although the same has not been seized as mentioned in section 116 of the said Act.

PART VI.

Infectious Diseases.

Medical officer may inspect dairies &c. beyond district in certain cases.

37. In case the medical officer of health shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district from any farmhouse dairy cowshed milkshop or place situate beyond the district boundary or that the consumption of milk from such farmhouse dairy cowshed milkshop or place is likely to cause infectious disease to any person residing in the district such medical officer shall if authorised in that behalf by any order of a justice having jurisdiction in the place where such farmhouse dairy cowshed milkshop or place is situate have power to inspect such farmhouse dairy cowshed milkshop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Local Board who may thereupon give notice to the

occupier of such farmhouse dairy cowshed milkshop or place not to supply any milk therefrom within the district until such notice has been withdrawn by the Local Board and the Local Board shall forthwith give notice of the facts to the sanitary authority of the district acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 in which such farmhouse dairy cowshed milkshop or place is situate and also to the Local Government Board in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the provinces of such authorities respectively Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any such farmhouse dairy cowshed milkshop or place or after any such notice by the Local Board has been given supplying any milk therefrom within the district or selling it for consumption therein until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings Provided always that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milkshop or place is situate.

Further powers in relation to disinfection of premises.

38. Where the Local Board are of opinion on the certificate of the medical officer of health that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Local Board than by the owner or occupier of such house or part thereof the Local Board without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the Local Board in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses with-

39. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection

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out previous disinfection or giving notice to owner or making false answers.

disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

40. No person shall without the sanction in writing of the medical officer of health or other registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

41. If any person shall die from any infectious disease in any hospital or place of temporary accommodation and the medical officer of health or any other registered medical practitioner certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds But nothing in this section shall prevent the removal of any dead body from any such hospital or place of temporary accommodation to any public mortuary and such mortuary shall for the purposes of this section be deemed part of such hospital or place of temporary accommodation.

Justices may in certain cases order dead bodies to be buried.

42. Where the body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or other registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any

adjoining or neighbouring house or building any justice may on the application of the medical officer of health order the body to be removed at the cost of the Local Board to any mortuary provided by the Local Board and may direct the same to be buried within a time to be limited in the order or such justice may in the case of the body of any person who has died from any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expenses of such burial Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

43. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance (other than a hearse) which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Detention of infected person without proper lodging in hospital by order of justice.

44. The provisions of the Public Health Act 1875 respecting infectious diseases and hospitals shall be and are hereby extended so as to authorise any court of summary jurisdiction having jurisdiction in the district upon certificate of the medical officer of health to make an order directing the detention in hospital at the cost of the sanitary authority of any person in the district suffering from any infectious disease and not provided with lodging or accommodation in which proper precautions can be taken to prevent the spreading of the disorder by such person Any order so to be made by any such court shall be limited to some specific time not exceeding one month but with full power to any such court if it shall see necessary to enlarge such time as often as may be shown to be necessary by certificate of the said medical officer It shall be lawful for any sanitary officer or inspector of police of the district on any such order being made to take all necessary measures and do all necessary acts for enforcing the execution thereof.

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Temporary shelter &c.

45. The Local Board shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and shall also provide or contract with some person or persons to provide nurses for attendance upon the members of any family suffering from any infectious disease within the district or upon children who may have been compelled to leave their dwellings as aforesaid and may charge a reasonable sum for the service of any nurse provided by them.

Penalty for offences under section 84 of Public Health Act 1875.

46. Any keeper of a common lodging-house in the district who fails to give the notice required by section 84 of the Public Health Act 1875 shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

Powers of entry for purposes of sections 49 120 or 121 of Public Health Act 1875.

47. For the purpose of carrying into effect the provisions of sections 49 120 or 121 of the Public Health Act 1875 the Local Board may by any officer duly authorised in that behalf and producing his authority if required enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

For preventing infectious rubbish being thrown into ashpit &c.

48. Any person who shall knowingly cast or cause or permit to be cast into any ashpit ash-tub or other receptacle for the deposit of refuse any infectious matter without previous disinfection shall be liable to a penalty not exceeding forty shillings.

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

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

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

Power to make bye-laws for sanitary purposes.

50. (1) The Local Board may from time to time make and enforce byelaws for the following purposes (that is to say):—

(a) For prescribing the times for the removal or carriage through the streets of any fæcal offensive or noxious matter or liquid whether such matter or liquid shall be in course of removal or carriage from within or without or through the district;

(b) For providing that the vessel receptacle cart or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;

(c) For compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.

(2) Where the Local Board themselves undertake or contract for the removal of house refuse they may make byelaws imposing on the occupier of any premises duties in connexion with such removal so as to facilitate the work which the Local Board undertake or contract for.

Saving for Acts relating to dairies animals &c.

51. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any Act amending the same or of any order license or act of the Board of Agriculture or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or the Local Government Board or exempt dairies milk-stores or milkshops or slaughter-houses or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

PART VII.

Streets and Highways &c.

Intersecting streets.

52. No new street intended to have a continuous line of buildings shall unless the Local Board otherwise allow be laid out of more than two hundred yards in length without an intersecting street.

Works for drainage of new streets.

53. The plans and sections of a new street submitted to the Local Board for their approval shall show the depth inclination size and form and shall specify the materials and other particulars of the sewers and their appurtenances according to which the works for the proper drainage of the street and of the adjoining properties shall be executed and if the Local Board for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider would be necessary for the ordinary sewerage of such new street the additional cost of such enlarged sewer shall be paid by the Local Board.

Powers to vary position or direction of new streets.

54. The Local Board may by order vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street

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adjoining or leading thereto The Local Board shall make compensation to all persons injuriously affected by the exercise of the powers of this section.

Duration of approval of street plans.

55. If a new street approved by the Local Board is not commenced within three years from the time of approval the approval shall at the expiration of that period cease to operate and fresh notice and approval shall as to so much of the street as is not completed be requisite as if notice and approval had never been given.

Gardens forecourts &c. to be fenced off from streets.

56. Whenever the person erecting any building shall be desirous of leaving any opening or placing any steps or other projections in any forecourt area or space left in front of such building such forecourt area or space shall if so required by the Local Board be well and sufficiently fenced off from the footpath or street by a railing or parapet or dwarf wall and palisades or in such other manner as the Local Board may approve but where such garden forecourt area or space is free from any steps or other projections the extent of the same or such portion thereof as the person erecting the building may not wish to give to the street may be defined by the owner if he desire so to do instead of constructing a fence by a line of stones or other suitable material three inches or thereabouts wide by twelve inches or thereabouts deep laid flush with the surface of the footpath the object of this enactment being that footpaths shall be freed from objectionable obstructions and the owner of the building secured of his full rights over any land he may wish to retain in front of his building.

As to repair of vaults &c. under streets.

57. All vaults arches and cellars at any time subsisting under any street and all openings into such vaults arches or cellars in the surface of any such street and all cellar-heads gratings lights and coal-holes existing in the surface of any such street and all landings flags or stones of the path or street supporting the same respectively shall be by the owners or occupiers of the same or of the houses or buildings to which the same respectively belong kept in substantial repair and in good and proper condition and so as not to occasion any injury to the street or passengers therein and in default thereof the Local Board may after twenty-four hours notice in that behalf cause the same respectively to be repaired and put in good order and the expenses of so doing shall be settled by the surveyor and be recovered summarily from the owner or occupier in default.

Removal of dangerous or obstructive projections over streets.

58. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 incorporated with the Public Health Act 1875 shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which may be

dangerous or an obstruction to the safe and convenient use of any street. A.D. 1890.

Width of bridges.

59. All bridges (other than bridges which the inhabitants of the county are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected either as carriageways or footways shall be built substantially to the satisfaction of the Local Board and shall be of such width as the Local Board may approve.

Courts and passages to be flagged &c.

60. Every court or passage within the district open to public use but not being a public thoroughfare repairable by the inhabitants at large shall be well and sufficiently formed paved or flagged channelled and sewered and kept in good repair by the owner or owners of the house or houses buildings and lands abutting thereon or having any special right to the use thereof to the reasonable satisfaction of the Local Board and if any such court or passage be not so well and sufficiently paved or flagged channelled and drained and kept in good repair the Local Board may cause the same to be paved flagged channelled sewered and repaired and the expenses attending the same shall be settled by the surveyor and if necessary apportioned by him among the owners of the buildings and lands abutting on such court or passage or having any special right to the use thereof in such proportion as he shall deem equitable having regard to the rateable value of such buildings and lands and the other circumstances of the case and the amount so settled or apportioned shall be recoverable summarily.

Provision for keeping common courts and passages clean.

61. (1) Where any court or where any passage leading to the back of several buildings in separate occupations and not being a highway repairable by the inhabitants at large is not regularly and effectually swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Local Board the Local Board may if they think fit cause to be swept and cleaned such court or passage.

(2) The expenses thereby incurred shall be apportioned between the occupiers of the buildings situated in the court or to the back of which the passage leads in such shares as may be determined by the surveyor of the Local Board or (in case of dispute) by a court of summary jurisdiction and in default of payment any share so apportioned may be recovered summarily from the occupier on whom it is apportioned.

Crossings for horses or vehicles &c. over footways.

62. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the Local Board and shall if so required by them submit to them

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for their reasonable approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and the Local Board shall execute the works at the expense of the person making the application and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each such offence be liable to a penalty not exceeding forty shillings.

Materials in streets sewered and paved.

63. The Local Board may remove appropriate use and dispose of any old materials existing in any street at the time of the execution by the Local Board of any works in such street unless the owners of buildings and lands in such street within forty-eight hours after notice so to do served on them by the surveyor remove such materials or their respective proportions thereof and the Local Board may if they think fit allow such sum as the surveyor may fix to be the reasonable value thereof to such owners for any materials which have been re-used or removed by the Local Board.

Recovery of damages caused to footways by excavations.

64. If the footway of any street belonging to or under the management of the Local Board be injured by or in consequence of any excavations on lands adjoining thereto the Local Board may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Local Board by the owner of the lands on which such excavation has been made or by the person causing the injury.

Waste land to be fenced.

65. If the owner or occupier of any vacant land or land adjoining any street allows the same to remain unfenced or the fences thereof to remain out of repair and such land is in the opinion of the Local Board owing to the absence or inadequate repair of such fence a source of danger to passengers or is used for any purposes causing public inconvenience then after the expiration of fourteen days notice from the surveyor the Local Board may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction.

Power to name and alter names of streets and names to be put up and houses to be numbered &c.

66. The Local Board may name any street or any part of a street which is without a name or which bears two names and may from time to time alter the name of any street or of any part of a street and may from time to time paint engrave or otherwise describe and place the name of any street or of any part of a street on a conspicuous part of any building or other erection at or near each end corner or entrance thereof and number every building or other

erection therein on the door thereof or otherwise as they think proper and if any person wilfully or without sufficient reason destroys obliterates defaces removes or without the consent of the Local Board alters any such name or number or any part thereof he shall be liable to a penalty not exceeding forty shillings.

Paving to include asphalting.

67. The provisions of this Act and of the Public Health Acts relating to paving metalling or flagging of streets shall include macadamising asphalting gravelling kerbing and every method of making a carriageway or footway and those provisions shall be construed accordingly.

Coal-shoots &c.

68. No coal-shoot area or cellar-grating or opening shall be hereafter placed in the footway or carriageway of any street except with the consent of the Local Board and then only if formed of the materials and size and in the manner and in such position and with such protection as may be approved by them and the owner or occupier of the house or building with which any coal-shoot area or cellar-grating or opening is connected whether constructed before or after the passing of this Act shall at all times keep the same in repair to the satisfaction of the Local Board Any person offending against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty of the same amount.

No portable steam-engine to be used in any street without previous license of Local Board.

69. No portable or movable engine (other than a steam-tramway engine locomotive or traction engine) shall be used in any street or in any land or unfinished building within the distance of twenty yards from any street except with the license of the Local Board (under the hand of the clerk of the Local Board) who may permit such user subject to such terms and conditions as may be stated in the license and may charge for each license a fee not exceeding five shillings and whoever without such license or contrary to the terms and conditions thereof shall so use or direct or permit to be used any such engine shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Dangerous places to be repaired or inclosed.

70. With respect to the repairing or inclosing of dangerous places the following provisions shall have effect (namely):—

(1) If any building wall steps structure or other thing or any well excavation or reservoir pond stream or dam or bank or any land or place is for want of sufficient repair protection or inclosure dangerous to the neighbouring buildings or to the passengers along any street or footpath the Local Board may order the owner within the period specified in such order to repair remove protect or inclose the same so as to prevent any danger therefrom:

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(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Local Board may cause such works as they think proper to be done for effecting such repair removal protection or inclosure and the expenses thereof shall be payable by the owner and be recovered summarily.

Erection of statues fountains &c.

71. The Local Board may from time to time by writing under the hand of the clerk authorise the erection in any street or public place of any statue monument or drinking or other fountain or other work of ornament or art and may maintain the same and also any statue monument or fountain erected before the passing of this Act and may remove the same.

Cabmen's shelters.

72. (1) The Local Board may from time to time provide maintain and remove in or near any street in their district suitable erections for the use convenience and shelter of drivers of hackney carriages and such other persons as the Local Board may permit to use the same.

(2) The Local Board may from time to time make regulations for prescribing the terms and conditions and the fees (if any) to be charged for the use of such places of shelter and may make byelaws for regulating the conduct of persons using the same.

Provisions as to use of traction-engines.

73. The following provisions with respect to the use of traction-engines in the district shall have effect (that is to say) :—

(1) The Local Board may from time to time prescribe the streets or classes of streets along or across which alone traction-engines shall pass and the hours of the day and night during which alone traction-engines shall pass along such streets and the owner and person in charge of any such engine who shall knowingly and without reasonable cause pass therewith along or across any street not so prescribed or along or across a prescribed street at a time not so prescribed shall be liable for every such offence to a penalty not exceeding ten pounds in addition to the cost of repairing any damage to such street which may arise by reason of such offence.

(2) No person using or conducting any such engine shall supply the same with water from any public fountain trough well or receptacle for water situate in any street within the district except with the license of the Local Board and upon such terms as to payment and otherwise as shall be stated therein and any person offending against this provision shall for every such offence be liable to a penalty not exceeding five pounds.

(3) The term "traction-engine" shall not for the purposes of this Act be deemed to include a steam or any other tramway engine.

Penalty on pulling down notice-boards.

74. If any person destroys pulls down injures or defaces any boards or conveniences for the reception of advertisements of the Local Board or any advertisement placard or bill affixed thereto or any placard or notice issued and put up by or under the direction of the Local Board or any notice of the position of a fireplug or hydrant or any board provided by the Local Board on which any byelaw or part of a byelaw of the Local Board is painted or placed such boards placards or notices being affixed in places where the Local Board are legally entitled to affix the same he shall for every such offence be liable to a penalty not exceeding forty shillings.

PART VIII.

Buildings &c.

Exemption for certain buildings.

75. This part of this Act shall not apply to—

Any building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as a part of the hereditary revenues of the Crown or in trust for the public service or for public services nor to any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service;

Any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

What to be deemed new buildings.

76. From and after the passing of this Act—

The re-erection wholly or partially on the same site of any building of which the outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground-floor storey thereof;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings;

shall for all the purposes of this part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a "new building" and the word "building" shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

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Buildings abutting on streets.

77. For the purposes of this Act buildings and lands shall be deemed to be in a street when they abut upon a street or when they have an access covered or uncovered to a street.

Deposit of plan to be void after certain intervals.

78. The deposit with the Local Board of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

As to plans deposited after the passing of this Act within three years from the date of such deposit; and

As to plans deposited before the passing of this Act within three years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposits shall unless the Local Board otherwise determine be requisite.

Elevation of buildings erected on front land to be subject to approval of Local Board.

79. All buildings or parts of buildings erected on the site of any building or any land which site or land in consequence of any improvement made by the Local Board becomes front land shall be erected according to such elevation as the Local Board approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Local Board and in case the Local Board for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

The Local Board shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Height of buildings.

80. No new building shall without the approval of the Local Board be erected on the side of any street not existing at the commencement of this Act which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Local Board shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height

of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Rain-water pipes not to be used as soil pipes.

81. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or watercloset.

Means of ingress to and egress from places of public resort.

82. (1) Every building which shall after the passing of this Act be used as a place of public resort shall to the satisfaction of the Local Board be substantially constructed and supplied with ample safe and convenient means of ingress and egress for the use of the public regard being had to the purposes for which such building is intended to be used and to the number of persons likely to be assembled at any one time therein:

(2) The means of ingress and egress to and from such building shall during the whole time that such building is used as a place of public resort be kept free and unobstructed to such extent as the Local Board shall require:

(3) An officer authorised in writing by the Local Board and producing his authority if so required may at all reasonable times enter any such building to see that the provisions of this section are carried into effect:

(4) Any person who being the occupier or manager or in the case of a building let for any period less than one year the owner of any building used as aforesaid uses the same or suffers the same to be used in contravention of this section or fails to comply with the provisions of this section in respect thereof shall for every such offence be liable to a penalty not exceeding twenty pounds:

(5) Where any alteration in the building is required in order to give proper means of ingress or egress the court may refuse to inflict a penalty for an offence under this section until a reasonable time has been allowed for making such alteration but the court may make such order as they think fit for the closing or otherwise of the building during such time:

(6) For the purposes of this section the expression "place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship (not being merely a dwelling-house so used) or as a theatre public hall public concert-room public ball-room

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public lecture-room or public exhibition-room or as a public place of assembly for persons admitted thereto by tickets or by payment or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes Provided that this enactment shall not extend to any building used as a church or chapel or other place of public worship before the passing of this Act.

Hoards to be set up during progress of buildings &c.

83. Before commencing the removal or taking down or the erection or repair of any building abutting on or within six feet of any street being a highway or any other operations whereby any part of any such street may be obstructed or rendered inconvenient or dangerous the contractor or other person having control of the work shall cause to be put up a hoard or fence and also if required by the surveyor an overhead covering or hood and a convenient platform and handrail to serve as a footway for passengers in such position and of such dimensions and for such period and subject to such conditions as the surveyor may approve on application being made to him and shall maintain the same respectively in good condition to the satisfaction of the surveyor and such contractor or other person shall on receiving permission from the surveyor and before putting up such hoard or fence pay to the Local Board a sum equal to one halfpenny per month for every superficial yard of land inclosed from the street during the period for which permission is granted.

The said erections shall be removed by such contractor or other person within the period limited by the surveyor and on the removal of such erection the pavement or flagging of the street shall be restored or made good by the Local Board and the cost thereof shall be paid by such contractor or other person.

Raising of chimneys &c.

84. In case any building is after the commencement of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of the adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the tops of the chimneys of the building so erected or raised.

Height of chimneys.

85. With respect to the height of chimneys the following provisions shall have effect (that is to say):—

(1) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing-house dye-house gasworks corn-mill foundry or buildings used for manufacturing

purposes or for the conveying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto and in all cases where any chimney serves the furnace of a steam-engine the chimney shall be raised to an additional height from such level adapted to the power of such engine according to the following scale (that is to say) If such steam-engine be of more than six horse power and do not exceed thirty horse power the height of such chimney shall not be less than eighty feet if such steam-engine be of more than thirty horse power and do not exceed forty horse power the height of such chimney shall not be less than one hundred and ten feet and if such steam-engine be of more than forty horse power the height of such chimney shall not be less than one hundred and twenty feet Provided that where any chimney serves the furnace of any annealing oven the height of such chimney shall not be less than eighty feet:

(2) All steam ejected from any fixed steam-engine or the boiler thereof and all spent or ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public:

(3) The foregoing provisions of this section shall not apply to locomotives used upon any railway or tramway or to portable steam-engines in use for agricultural purposes or to traction-engines steam-rollers or fire-engines or **to** any chimneys used exclusively for casting or puddling furnaces:

(4) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Power to enter buildings to inspect chimneys.

86. Any person duly authorised by the Local Board in that behalf and producing his authority if required so to do may enter in the daytime into any mill factory brewery sizing-house dye-house gaswork or other building used for manufacturing purposes or any part thereof and may there inspect and examine the condition and measure and ascertain by all proper means the height of any chimney included in the provisions of the two preceding sections and the power of any steam-engine used in connexion therewith and every person who prevents obstructs or hinders any person so authorised and producing his authority as aforesaid from entering any such building or making such inspection or examination or measuring or ascertaining the height of such chimney or the power of such steam-engine shall for every such offence be liable to a penalty not exceeding ten pounds.

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Certificate that houses fulfil certain requirements.

87. No building not already occupied as a dwelling-house shall be so occupied until the drainage thereof has been made and completed nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements for the time being in force within the district Provided that if the surveyor fail to give such certificate within fourteen days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime specify to such owner which of the aforesaid requirements have not been complied with with respect to such building then such building may be thereupon occupied as a dwelling-house If any building is occupied contrary to the provisions of this section the owner of such building occupying the same or allowing the same to be so occupied and every person wilfully occupying the same shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Prevention of lock-up shops and other places of business being improperly used for purposes of habitation.

88. (1) Where on the plan of any building whether built before or after the passing of this Act as deposited with and approved by the Local Board a part of such building is described or shown as or appears to be intended to be separated from the remainder of such building for the purpose of being used as a lock-up shop workshop shed or place of business and not a dwelling-house the use of such part of such building for the purposes of human habitation shall be an offence and every person who shall wilfully so use or knowingly suffer to be used such part of such building shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings:

(2) Provided that if such part of such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act or byelaw for the time being in force with respect to buildings intended to be used as dwelling-houses and if such part of such building has undergone the structural alterations (if any) necessary in the opinion of the Local Board for converting it into a dwelling-house the Local Board may on the application of the owner thereof authorise the same to be used as a dwelling-house:

(3) Any justice of the peace by warrant under his hand may authorise any officer of the Local Board at any time to enter upon and examine any building suspected of being used in contravention of this section:

(4) Every person who shall prevent or obstruct any such officer so authorised and producing such authority if required from or in

making such inspection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding the like sum.

Local Board may alter &c. buildings contrary to Act.

89. The Local Board may after giving fourteen days notice to the owner and occupier (if any).cause any building or part thereof which is hereafter built or rebuilt contrary to the provisions of this Act to be taken down and rebuilt or altered according to the provisions of this Act and the expenses of and attending the same shall be repaid to the Local Board by the owner Provided that if any such building or part of a building shall have been built or rebuilt in accordance with plans and sections approved by the Local Board in that behalf the said expenses and compensation for delay and inconvenience shall be paid by the Local Board.

Regulations as to raising buildings.

90. No building shall hereafter be raised unless the outer walls and the party walls or separate side or end walls thereof are of the several strengths specified in the byelaws in force relating thereto and so far sound and in good repair as to be fit to bear additional walls.

Backyards to be paved &c.

91. The backyards of all houses which shall be built after the passing of this Act shall be formed with such fall and shall for the space of at least one hundred and fifty square feet be flagged or asphalted or paved with such materials as shall be satisfactory to the Local Board for the purpose of carrying off the surface-water to the drains of such houses and if the backyard of any house erected before or after the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface-water being carried off as aforesaid the Local Board may give to the owner of such house notice in writing requiring him within seven days after such notice shall have been so given to proceed to form and to flag asphalte or pave such backyard so as to allow of the surface-water being carried off to the drain of such house and within twenty-one days after such notice shall have been so given to complete such several works to the satisfaction of the Local Board and if such owner shall make default in complying with any of such requirements to the satisfaction of the Local Board within the respective times aforesaid the Local Board may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Local Board by such owner and shall be recoverable summarily.

Height of rooms.

92. In every new building every room used as a dwelling or sleeping room shall be in every part thereof eight feet six inches in height at least from the floor to the ceiling except rooms in the roof and every room in the roof so used shall be at least eight feet in

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height from the floor to the ceiling above one fourth of the area of the floor and shall have vertical walls at least five feet in height.

Fireplaces of buildings to have hearths of certain dimensions.

93. Every fireplace-opening or chimney-opening in a new building shall have a sufficient hearth or horizontal slab of durable and incombustible material at the level of the floor extending throughout the length and depth of such opening and to a distance of at least fifteen inches beyond the face of the chimney-breast and at least six inches beyond each side of the opening of the chimney-piece.

Every such hearth shall be laid upon a bed of cement concrete brick or other compact and incombustible material having a depth of at least six inches below the upper surface of the hearth and in no case shall the hearth be supported or rest on wood or timber.

Level of ground-floors.

94. The level of the ground-floor of every dwelling-house or domestic building built after the commencement of this Act where the said dwelling-house or domestic building immediately abuts upon the footpath shall be at least six inches above the highest level of the footway or road adjoining or near the same.

Flood level to be observed.

95. No part of a dwelling-house or domestic building built after the commencement of this Act or of any building or ashpit appurtenant thereto or used therewith or of a yard attached thereto shall be below the flood level which level shall be determined by the Local Board.

Safety of platforms erected or used on public occasions.

96. Whenever large numbers of persons are likely to assemble on the occasion of any public procession open-air meeting or other like occasions every roof of a building and every platform balcony or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons shall be safely constructed or secured to the satisfaction of the surveyor and unless the same be so constructed or secured the section of this Act whereof the marginal note is "Dangerous places to be repaired or inclosed" shall be applicable to such building platform or other structure and may be put in full force accordingly.

Power to Local Board to appoint building inspectors.

97. For the purpose of enforcing the provisions of the Public Health Acts and of this Act and of any byelaws made under the authority of any of such Acts with respect to the erection construction or alteration of new buildings and the drainage thereof (in this Act collectively referred to as "the regulations of the Public Health Acts as to new buildings") the Local Board may from time to time appoint any number not exceeding five fit and proper persons to be building inspectors at salaries to be fixed by the Board not

exceeding in each case two hundred pounds per annum subject to the following provisions:—

(a) Every candidate for the office of building inspector shall be of the full age of twenty-five years properly skilled and educated in the art and practice of building and drainage and shall hold a certificate of the Royal Institute of British Architects or of the Institution of Civil Engineers or of the Institution of Surveyors or of such other body as the Local Government Board may from time to time approve that he has been examined and is competent for such office:

(b) The building inspectors shall be officers of the Local Board removable at pleasure and shall be subject to the control and superintendence of the surveyor:

(c) No building inspector appointed as aforesaid shall practice his profession or be engaged professionally in any work on his own account:

(d) The building inspectors shall have in the exercise of their duties the like powers as are conferred upon the surveyor by the Public Health Acts and this Act or any byelaws made thereunder and the said surveyor and inspectors may at all reasonable times enter and inspect any new building for the purposes of enforcing the regulations of the Public Health Acts as to new buildings.

Surveyor and building inspector to cause rules of this Act to be observed.

98. The surveyor shall after the receipt by the Local Board of any notice of intention to commence any works affected by any of the regulations of the Public Health Acts as to new buildings from time to time survey such works or cause the same to be surveyed by a building inspector and such surveyor or inspector shall cause all the said regulations to be duly observed.

Power of Local Board to require payment of fees in respect of buildings.

99. In the case of the erection or construction of any building or of any alterations or additions effected to in or upon any building the erection construction alteration or addition of in or to which is made subject to any byelaws made by the Local Board and for the time being in force for the regulation of streets and buildings within the district there shall be paid to the Local Board in order to cover the expenses incurred or to be incurred with respect to the proper supervision of such buildings during the course of such erection construction alteration or addition in respect of the several matters specified in the Third Schedule hereto the fees therein specified or such other fees not exceeding the amount specified as may from time to time be directed by the Local Board but one fee only shall be chargeable with respect to any alterations or additions to in or upon the same buildings included in one notice that are in

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progress at the same time Provided that no such fee shall be payable in any case where notice of the commencement of such erection construction alteration or addition has been duly given in accordance with the provisions of the Public Health Acts or any byelaws made thereunder but no such inspection or supervision by the surveyor or any building inspector during the course thereof has actually taken place.

Application of fees and power for Local Board to revise.

100. The fees authorised by the preceding section shall be applied only in payment of the salaries of the building inspectors to be appointed under the provisions of this Act and shall if necessary be revised from time to time by the Local Board in order to equalise as nearly as may be the expenditure incurred or to be incurred in respect of such salaries and the receipts accruing or to accrue from such fees In the event of there being in any year a balance in the hands of the Local Board of fees received by them under the provisions of this Act such balance shall be applied in payment during any subsequent year of the authorised salaries of the building inspectors and to no other purpose whatever.

Payment and recovery of fees for inspection of buildings.

101. The fees authorised by the last preceding sections shall become payable as follows :—

In the case of the erection or construction of any new building surveyed by the building inspector—

Immediately after the roof of such new building has been covered in ;

In the case of any alteration or addition to in or upon any building surveyed by the building inspector—

Immediately after the completion of the alterations or additions to in or upon such building :

And such fees shall be paid upon demand to the Local Board or their collector duly authorised by the builder employed in erecting such building or in effecting such alterations or additions to in or upon any such building as aforesaid or by the owner of the building so erected or to in or upon which such alterations or additions have been effected :

If any such builder or owner neglects or refuses to pay the same such fees may be recovered in a summary manner before a court of summary jurisdiction upon its being shown to the satisfaction of such court that a proper bill specifying the amount of such fees was delivered to such builder or owner or sent to him in a registered letter addressed to his usual or last known place of abode.

Building inspector to make monthly

102. Every building inspector shall within seven days after the first day of every month make and sign a return to the Local Board in such manner as they may appoint of all notices and complaints

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returns to Local Board.

received by him relative to any buildings or works and the results thereof and of all the several buildings and works inspected and supervised by him in the exercise of his office within the previous month and of all fees charged or chargeable in respect thereof and specifying in such return the description and locality of every building built or rebuilt with the particular nature of every work in respect of which any fee has been charged or is chargeable Every such return shall be signed by such inspector and shall be deemed to be a certificate that all the works enumerated therein as completed have been done in all respects agreeably to the regulations of the Public Health Acts and the byelaws in force within the district as to new buildings according to the best of his knowledge and belief and that they have been duly surveyed by him.

PART IX.

Private Street Works.

Private street works.

103. (1) Where any street or part of a street is not sewered levelled paved metalled flagged kerbed channelled made good and lighted to the satisfaction of the Local Board the Local Board may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this Act called "private street works") (that is to say) To sewer level pave metal flag kerb channel or make good or to provide proper means for lighting such street or part of a street and the expenses incurred by the Local Board in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting adjoining or abutting on such street or part of a street Any such resolution may include several streets or parts of streets or may be limited to any part or parts of a street.

(2) The surveyor shall prepare as respects each street or part of a street—

(a) A specification of the private street works referred to in the resolution with plans and sections (if applicable);

(b) An estimate of the probable expenses of the works;

(c) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act:

Such specifications plans sections estimates and provisional apportionments shall comprise the particulars prescribed in Part I. of the Second Schedule to this Act and shall be submitted to the Local Board who may by resolution approve the same respectively with or without modification or addition as they think fit.

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(3) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in Part II. of the Second Schedule to this Act and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment within seven days after the date of the first publication During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the Local Board offices and shall be open to inspection at all reasonable times.

Objections to proposed works.

104. During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any part of the expenses of executing the works may by written notice served on the Local Board object to the proposals of the Local Board on any of the following grounds (namely) :—

(a) That an alleged street or part of a street is not or does not form part of a street within the meaning of this part of this Act :

(b) That a street or part of a street is (in whole or in part) a highway repairable by the inhabitants at large :

(c) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate :

(d) That the proposed works are insufficient or unreasonable or that the estimated expenses are excessive :

(e) That any premises ought to be excluded from or inserted in the provisional apportionment :

(f) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as herein-after provided) in respect of the degree of benefit to be derived by any persons or the amount or value of any work already done by the owner or occupier of any premises.

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common.

Notices to distinguish premises in respect of which given.

105. Any owner objecting on the ground that the provisional apportionment is incorrect shall clearly distinguish the premises in respect of which he claims to object and shall state as near as may be in feet and inches the length of frontage claimed by him

Provided that to every publication of the resolution under this part of this Act shall be added a notice of the effect of this section.

Hearing and determining of objections.

106. (1) The Local Board at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the same provisions with respect to stating a case as if the Local Board were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable The court may quash in whole or in part or may amend the resolution plans sections estimates and provisional apportionments or any of them on the application either of any objector or of the Local Board The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

(2) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Local Board and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

Incidental works.

107. The Local Board may include in any works to be done under this Act with respect to any street or part of a street any works which they think necessary for bringing the street or part of a street as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of separate sewers for the reception of sewage and of surface-water respectively.

Apportionment of expenses.

108. In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part of a street in respect of which the expenses are to be incurred shall unless the Local Board otherwise resolve be apportioned according to the frontage of the respective premises but the Local Board may if they think just

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resolve that in settling the apportionment regard shall be had to the following considerations (namely) :—

(a) The greater or less degree of benefit to be derived by any premises from such works;

(b) The amount and value of any work already done by the owners or occupiers of any such premises:

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street but which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly But no such premises shall be included unless there is an access thereto from the street in respect of which the expenses are to be incurred or from one immediately adjoining thereto.

Amendment of plans &c.

109. The Local Board may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount of the estimate in respect of any street or part of a street is increased the amending resolution shall be published in the manner prescribed in Part II. of the Second Schedule to this Act and the amended estimate and provisional apportionment shall be open to inspection at the offices of the Local Board at all reasonable times and copies of the amending resolution and of the amended estimate and provisional apportionment so far as they relate to the premises of the owners affected shall be served on such owners and objections may be made to the increased estimate and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

Payment of amount of estimates before works executed.

110. The owners of the premises fronting adjoining or abutting upon the streets or street or part shall on demand pay to the Local Board the amount of the estimated expenses payable by them respectively as ascertained in the said apportionment and on completion of the final apportionment if it shall appear that the actual expenses of such private street works have been less than the estimated expenses then the difference between the actual expenses and the estimated expenses shall be repayable by the Local Board to the owners by whom the sum apportioned by way of estimated expenses shall have been paid and in case the actual expenses of such private street works shall have exceeded the estimated expenses then the owners shall on demand pay to the Local Board such further sum of money as together with the sum already paid or due amounts to such actual expenses together with interest at the rate of five per centum per annum from the date of such demand :

If the works are not completed within a period of twelve months from the date when the amount of the estimated expenses has been

paid to the Local Board by the owners of any premises the Local Board shall thereafter pay or allow to such owners interest at the rate of five pounds per centum per annum on the amount so paid by them from the time of the payment thereof.

Final apportionment and recovery of expenses.

111. (1) When any private street works have been completed and the expenses thereof ascertained the surveyor shall make a final apportionment by dividing the expenses in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment (as the case may be) and such final apportionment shall be conclusive for all purposes and notice of such final apportionment shall be served upon the owners of the premises affected thereby and the sums apportioned thereby or so much thereof as shall not have been paid to the Local Board shall be recoverable in manner provided by this Act or in the same manner as private improvement expenses are recoverable under the Public Health Act 1875 including the power to declare any such expenses to be payable by instalments.

(2) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may by a written notice to the Local Board object to such final apportionment on the following grounds or any of them :—

(a) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent. ;

(b) That the final apportionment has not been made in accordance with this section ;

(c) That there has been an unreasonable departure from the specification plans and sections ;

(d) That the interest has been increased by unreasonable delay in ascertaining the expenses or making the apportionment.

(3) Objections under this section shall be determined in the same manner as objections to the provisional apportionment.

Charge on premises.

112. (1) Any premises included in the final apportionment and all estates and interest from time to time therein shall stand and remain charged (to the like extent and effect as under section 257 of the Public Health Act 1875) with the sum finally apportioned on them or if objection has been made against the final apportionment with the sum determined to be due as from the date of the final apportionment with interest at the rate of five pounds per centum per annum and the Local Board shall for the recovery of such sum and interest and costs have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

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(2) The Local Board shall keep a register of charges under this Act and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Local Board shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Local Board.

Recovery of expenses summarily or by action.

113. The Local Board may if they think fit from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum together with interest at a rate not exceeding five pounds per centum per annum from the date of the final apportionment till payment thereof.

Exemption from expenses of incumbent of church.

114. The incumbent or minister or trustee of any church chapel or place appropriated to public religious worship which is for the time being by law exempt from rates for the relief of the poor shall not be liable to any expenses of private street works as the owner of such church chapel or place or of any churchyard or burial-ground attached thereto nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial-ground or to subject the same to distress execution or other legal process but the proportion of expenses in respect of which an exemption is allowed under this section shall be borne and paid by the Local Board.

Power for limited owners to borrow for expenses.

115. All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this part of this Act and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within twenty years.

Adoption of private streets.

116. Whenever all or any private street works in this Act mentioned have been executed in a street or part of a street by the Local Board and the Local Board are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants

at large they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large:

Provided that no such street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street by notice in writing to the Local Board object thereto and in ascertaining such majority joint owners shall be reckoned as one owner.

On street being paved &c. Local Board to declare same public highway.

117. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good and provided with proper means of lighting (all such works being done to the satisfaction of the Local Board) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Local Board shall within three months from the time of such application by notice put up in such street declare the same to be a highway repairable by the inhabitants at large and thereupon such street shall become a highway repairable by the inhabitants at large.

Local Board may include commission in estimate.

118. The Local Board in any estimate of the expenses of private street works may include a commission not exceeding five pounds per centum (in addition to the estimated actual cost) in respect of surveys and superintendence such commission when received to be carried to the credit of the district fund.

Separate accounts of expenses of works.

119. The Local Board shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this Act relating to private street works and all moneys recovered by the Local Board under this part of this Act in respect of street works shall be applied in the execution of other private street works or in repayment of moneys borrowed for the purpose of executing private street works.

Railways and canals abutting but not communicating with street not to be chargeable with private street expenses.

120. No railway company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any street as defined in this part of this Act shall wholly or partially front or abut and which shall at the time of the laying out of such street be used by such company solely as a part of their line of railway siding station or works and shall have no communication with such street and the expenses incurred by the Local Board under the powers of this part of this Act which but for this provision such company would be liable to pay shall be repaid to the Local Board by the other owners having frontages abutting on such street and in such proportion as shall be

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settled by the surveyor and in the event of such company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the Local Board the expenses which but for the foregoing provision such company would in the first instance have been liable to pay And the Local Board shall divide among the other owners for the time being having frontages abutting on such street the amount so paid by such company to the Local Board less the costs and expenses attendant upon such division in such proportion as shall be settled by the surveyor whose decision shall be final and conclusive This section shall not apply to any street existing at the date of the passing of this Act.

PART X.

Overhead Wires.

Byelaws for prevention of danger from telegraph wires &c.

121. (1) The Local Board may from time to time make and when made may from time to time alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across any street (whether before or after the passing of this Act) for the purposes of any telegraph telephone or other purpose.

(2) By such byelaws provision may be made for the inspection and examination by the Local Board of any such posts wires tubes or other appliances or apparatus and for the prohibition of any such posts wires tubes or other appliances or apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public.

(3) Offenders against such byelaws shall be liable to such reasonable penalties as may be thereby prescribed not exceeding five pounds for each offence and a daily penalty not exceeding forty shillings and in addition to awarding any penalty the court of summary jurisdiction may order the removal of any post wire tube or other appliance which shall be adjudged to be stretched or placed as aforesaid in contravention of any byelaw made by the Local Board under this section.

(4) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper and such reasonable notice of the intended submission of any such byelaw or of any alteration or repeal thereof for confirmation shall be given by the Local Board

by advertisement in one or more local newspapers circulating in the district and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such byelaw shall apply and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any byelaw and all costs incurred by any parties in reference to the application for or objection to the confirmation alteration or repeal of any such byelaw shall be in the discretion of the Board of Trade.

(5) The Board of Trade may exempt from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid before such confirmation (herein-after referred to as "an existing work") and the Board of Trade may exempt from any alteration or repeal of any such byelaw for such period as they think proper not exceeding five years from the confirmation of such alteration or repeal any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid prior to such alteration or repeal in accordance with the byelaw proposed to be altered or repealed as originally framed.

(6) The foregoing provisions of this section shall not apply to or include any apparatus which shall belong to any railway or canal company or which shall be used by them in connexion with their business and which now is or hereafter shall be fixed upon posts or supports upon any railway or the towing-path of any canal provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any public street or be not stretched or placed over any public street crossing over such railway other than public streets which cross any railway on the level.

As to existing telegraph wires &c.

122. If during the said period of five years any of the existing works to which the last section is applicable is in the opinion of the surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

Restrictions on placing wires &c.

123. It shall not be lawful for any person to fix or place any post wire tube or other similar apparatus (other than posts wires

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other than telegraph wires &c. over across or along streets.

tubes or other apparatus for telegraphic telephonic or any electrical or railway signalling purpose) above ground over across or along any street without the consent in writing of the Local Board which consent may contain such terms and conditions as the Local Board think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Saving for works of electric lighting undertakings.

124. Nothing in this part of this Act or any byelaws made thereunder shall extend to any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of those Acts apply.

Saving for posts wires &c. of Postmaster-General.

125. Nothing in this part of this Act shall extend to any posts wires tubes or other property of Her Majesty's Postmaster-General.

PART XI.

Miscellaneous.

Authentication and service of notices.

126. Any notice or other such document under this Act may be in writing and if the same require authentication by the Local Board the signature of the clerk or other duly authorised officer of the Local Board shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at one of their principal offices or places of business.

General provision as to byelaws.

127. All the provisions with respect to byelaws contained in sections 182 to 185 (both inclusive) of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Local Board under the powers of this Act except byelaws made under Part X. (Overhead Wires) of this Act.

Power to make byelaws.

128. The Local Board may in addition to the byelaws authorised by the Public Health Act 1875 make byelaws with respect to the following matters (that is to say):—

The control management or regulation of any public park garden recreation ground or open space;

Supervising the cisterns and pipes of communication in dwelling-houses and factories to prevent the pollution of potable water

therein and so far as such dwelling-houses and factories are supplied with water by the Local Board directing the mode of construction of such cisterns and pipes;

The description nature and quality of the substances of which plastering may be made and the description nature and quality of scantling and other timber materials.

As to appeal.

129. Any person deeming himself aggrieved by any notice order judgment determination or requirement or the withholding of any certificate license or consent or approval of or by the Local Board or of or by any officer or valuer of the Local Board or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Recovery of sums by action.

130. Whenever any person neglects to pay any toll rent rate or sum due to the Local Board the Local Board may recover the same with full costs of suit in any court of competent jurisdiction for the recovery of debts of the like amount and the remedy of the Local Board under this enactment shall be in addition to any other remedies for the recovery of such toll rent rate or sum.

Damages and charges in case of dispute to be settled by justices.

131. Where any damages expenses 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 damages expenses or charges in case of dispute respecting the same may be settled and determined by the justices before whom any offender is convicted.

Compensation how to be determined.

132. 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.

Compensation may be in land &c.

133. The Local Board when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Penalties.

134. Every person offending against any of the provisions contained in this Act shall except as otherwise provided be liable to a penalty not exceeding five pounds for every such offence and in the case of a continuing offence to a daily penalty not exceeding forty shillings.

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Several sums in one summons.

135. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in the schedule thereto several sums.

Recovery and application of penalties.

136. All penalties under this Act may be sued for and recovered by the Local Board in any court of summary jurisdiction and notwithstanding anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty chapter seventy-one or in any other Act or Acts to the contrary the amount of all penalties recovered by the Local Board under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the general district rate.

Audit of accounts under this Act.

137. All accounts of receipts and expenditure of the Local Board under this Act shall be audited in like manner and with the same consequences as the other accounts of the Local Board are audited under the Public Health Acts.

Saving for indictments &c.

138. Nothing in this Act shall protect any person from being proceeded against 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.

Judges &c. not disqualified.

139. 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 payable to the Local Board.

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

140. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set aside for a sinking fund or any instalment is required to be paid in respect of moneys borrowed for any purposes of this Act 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 invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner

may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by 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 The provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Costs of Local Government Board to be paid by Local Board.

141. All costs incurred by the Local Government Board including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector in relation to the duties imposed on that Board under this Act shall be paid by the Local Board.

Expenses of Act.

142. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act as certified by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the general district rate:

But the Local Board may if they think fit raise the money necessary for the purposes of this section by borrowing under the Public Health Act 1875 on the security of the general district rate such amount as may be so certified Provided that the amount so borrowed shall be repaid by the Local Board out of the general district rate within ten years from the passing of this Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

The Waste Lands Funds referred to in the foregoing Act are as follows (that is to say):

—	Description of Fund.	Amount of the Fund.		
		£	*s.*	*d.*
A	Waste Land Compensation Money (1854) -	550	5	8
B	Wood Green Waste Land Compensation Money (1875).	1600	0	0
C	The like - - - - - -	54	3	1
D	The like - - - - - -	17	17	9
E	Compensation Money received for the inclosure of Waste Land per order of the Vestry.	6576	18	1
F	Tottenham Hale Lamunas Land (1883) Great Eastern Railway Company Compensation Money.	170	9	1
G	Wood Green Common Great Eastern Railway Compensation Money (May 1885).	241	14	2

THE SECOND SCHEDULE.

PRIVATE STREET WORKS.

PART I.

PARTICULARS TO BE STATED IN SPECIFICATIONS PLANS AND SECTIONS ESTIMATES AND PROVISIONAL APPORTIONMENTS.

Specifications.—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimensions thereof.

Plans and Sections.—These shall show the constructive character of the works and the connexions (if any) with existing streets sewers or other

works and the lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

PART II.

Any resolution notice or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the district and shall be publicly posted at the Local Board offices and in or near the street to which it relates once at least in each of three successive weeks.

THE THIRD SCHEDULE.

FEES OF BUILDING INSPECTORS.

Fees for New Buildings.

	£	s.	d.
For every building not exceeding 400 square feet in area and of one storey only in height - - - - -	0	15	0
For every additional square of 100 feet or fraction of such square -	0	2	6
And for every additional storey - - - - -	0	5	0

Fees for Additions or Alterations.

For every addition or alteration made to any building after the roof thereof has been covered in the fee shall be half of the fee charged in the case of a new building.			
For inspecting the arches or stone floors over or under public ways	0	10	0
For inspecting the formation of openings in party walls - -	0	10	0

But no fee shall exceed 10*l*.

In this schedule "area" shall include the area of any attached building.

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