CHAPTER xxxvii.

An Act for enabling the Local Board for the district of West Ham, in the county of Essex, to require payment of fees by persons constructing or altering buildings within their district, and extending the powers of the Board as to making byelaws with respect to pollution of water in dwelling-houses and factories, and as to ventilating and protecting dwellings from fire, and for other purposes. [19th June 1882.]

A.D. 1882.

WHEREAS by the Public Health Act, 1875, certain powers duties, and obligations were conferred and imposed on urban authorities with respect to the regulation of streets and buildings within their district: 38 & 39 Vict. c. 55.

And whereas provision was made by the same Act for the making of byelaws by urban authorities with respect to the laying out of streets, the construction of buildings, and the giving of notices and the deposit of plans and sections by persons intending to lay out streets or construct buildings, and other matters:

And whereas the Local Board for the district of West Ham, in the county of Essex, are the urban authority for the district within the meaning of the said Act, and have the aforesaid powers, duties, and obligations conferred and imposed upon them with respect to the regulation of streets and buildings as aforesaid, and have made byelaws with respect thereto:

And whereas under the Metropolitan Building Act, 1855, certain fees are payable to the building surveyors thereby appointed for supervising the construction or alteration of buildings by the persons executing such works or interested therein: 18 & 19 Vict. c. 122.

And whereas the district abuts upon the boundaries of the metropolis for a length of seven miles or thereabouts:

And whereas the population of the district has more than trebled during the past twenty years, and is continually receiving considerable accessions of inhabitants from the metropolis:

A.D. 1882.

And whereas extensive docks, gas, and sewerage works connected with the metropolis have been recently constructed within the district, and factories have been displaced from the metropolis and erected therein:

And whereas upwards of two thousand four hundred houses were erected in the district in the course of last year, and houses are now being erected therein at the rate of three thousand four hundred and upwards per annum:

And whereas large numbers of dwellings for persons of the artizan class have been erected and are very rapidly extending, such buildings being for the most part erected by builders acting as their own architects, without any other supervision than that which might be provided by the Local Board:

And whereas it is expedient, in order to secure proper supervision of the construction of such buildings and enforcement of the building and other byelaws in force in the district, that the Local Board should appoint building inspectors:

And whereas the payment of such building inspectors will impose an undue burden upon the local rates, it is therefore expedient that in relief of such expenses, the Local Board should be empowered to require payment of fees by persons constructing or altering buildings within the said district:

And whereas it is expedient that the Local Board should be empowered to make byelaws to prevent the pollution of potable water in dwelling-houses and factories, and for this purpose to supervise and direct the mode of construction of cisterns and pipes of communication, and also for regulating the height of rooms in dwelling-houses in order to secure the ventilation of such rooms and houses, and for determining the materials to be used in, upon, and around hearths and fireplaces, to diminish the risk of fire:

And whereas an absolute majority of the whole number of the Local Board at a meeting, held on the 22nd day of November, 1881, after ten clear days notice by public advertisement, of such meeting, and of the purposes thereof, in the "Stratford Express, "and Leyton, Leytonstone, Wanstead, Woodford, and Walthamstow "News," a local newspaper published or circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the "Stratford Express, and Leyton, Leytonstone, Wanstead, Wood-"ford, and Walthamstow News," a local newspaper, published or

circulating in the district, and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that 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 10th day of January, 1882, being not less than 14 days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district, by resolution in the manner provided by Schedule III., annexed to the Public Health Act, 1875, with respect to resolutions of owners and ratepayers under that Act, consented to the promotion of the Bill for this Act:

And whereas the objects of this Act cannot be attained 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—

Short title.

1. This Act may be cited for all purposes as the West Ham Local Board Extension of Powers Act, 1882.

Interpretation.

2. In the interpretation of this Act the expressions following shall have the meanings attached to them, unless there be something in the subject or context repugnant to or inconsistent with such construction (that is to say)—

"District" shall mean the district of West Ham, in the county of Essex.

"Local Board" shall mean the urban sanitary authority for the district aforesaid.

"Builder" shall mean the master or other person employed to execute, or who actually executes, any work upon any building.

"Owner" shall mean the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent.

The expression "court of summary jurisdiction" shall have the meaning attached to it by the Summary Jurisdiction Act, 1879. 42 & 43 Vict. c. 49.

A.D. 1882.

Power to Local Board to appoint building inspectors.

3. 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 or alteration of buildings, the Local Board may from time to time appoint any number not exceeding ten fit and proper persons to be building inspectors, removable at pleasure, at salaries to be fixed in each case by the Local Board, not exceeding £200 per annum each. Such building inspectors shall be officers of the Local Board, subject to the control and superintendence of the surveyor to the Local Board.

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

4. In the case of the erection of any building, or of any alterations or additions effected to, in, or upon any building, the erection, alteration, or addition of, in, or to which is made subject to any byelaws now in force or hereafter to be made by the Local Board 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 their erection or alteration in respect of the several matters specified in the schedule hereto the fees therein specified, or such other fees, not exceeding the amounts 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 progress at the same time.

Power to Local Government Board to review fees.

5. 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, in all cases, be subject from time to time to the review of the Local Government 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.

Times within which fees are to be paid.

6. Such fees shall be paid at the expiration of the following periods (that is to say) :—

Of one month after the roof of any building so erected as aforesaid has been covered in ;

Of fourteen days after the completion of any alterations or additions to, in, or upon any such building as aforesaid.

By whom fees are to be paid.

7. Such fees shall be paid 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; and 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 last known residence.

Fees may be recovered summarily.

The Local Government Board may increase or decrease the number or salaries of building inspectors.

8. The Local Government Board may from time to time as they shall see fit by order require the Local Board to increase or decrease the number or salaries of the building inspectors to be appointed under the provisions of this Act.

Power to make byelaws.

9. The Local Board may, so far as the district is concerned, make byelaws with respect to the following matters: (that is to say)—

1. With respect to supervising and directing the mode of construction of cisterns and pipes of communication in dwelling-houses and factories, to prevent the pollution of potable water therein. So nevertheless that any such byelaw shall not take away, alter, interfere with, or prejudicially affect any right, power, authority, or duty given to or imposed upon the East London Waterworks Company under or by any of the Acts relating to that Company, or any Act incorporated therewith respectively, or under or by the Metropolis Water Act, 1852, or the Metropolis Water Act, 1871, or any byelaw or regulation lawfully made by virtue of any of the same Acts.

15 & 16 Vict. c. 84.
34 & 35 Vict. c. 113.

2. With respect to the height of rooms in dwelling-houses, in order to secure ventilation of such rooms.
3. With respect to the construction of hearths and fireplaces, to secure immunity from fire.

And they may further provide for the observance of such byelaws by inserting therein provisions as to the giving of notices, as to the deposit of plans and sections by persons intending to construct or alter buildings, as to inspection by the Local Board, and as to the power of the Local Board to remove, alter, or pull down any work begun or done in contravention of such byelaws. Provided that no byelaw made under this section shall affect any building now existing, except so far as the same may be altered after the passing of this Act.

A.D. 1882.

Authentication and alteration of byelaws.

10. All byelaws made by the Local Board under and for the purposes of this Act, shall be under their common seal, and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act; provided that no byelaw made under this Act shall be of any effect if repugnant to the laws of England, or to the provisions of this Act.

Power to impose penalties on breach of byelaws.

11. The Local Board may by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds, for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the Local Board; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Confirmation of byelaws.

12. Byelaws made by the Local Board under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated in the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the Local Board shall on the application of any such ratepayer, furnish him with a copy of such proposed byelaws, or any part thereof on payment of sixpence for every hundred words contained in such copy.

Byelaws to be printed, &c.

13. All byelaws made by the Local Board under this Act, shall be printed, and a copy thereof hung up in the office of such Local Board, and a copy thereof shall be delivered to any ratepayer of the district on his application for the same.

Evidence of byelaws.

14. A copy of any byelaws made under this Act by the Local Board, signed and certified by the clerk of such Board to be a true copy, and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws, without further or other proof.

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Summary prosecution of offences and recovery of penalties, &c.

15. All offences, penalties, forfeitures, costs, and expenses under byelaws made in pursuance of this Act may be prosecuted and recovered before a court of summary jurisdiction.

Buildings, &c., of London and St. Katharine Docks Company exempt from operation of Act.

16. Buildings, works, lands, and premises of or belonging to or used by the London and Saint Katharine Docks Company shall be exempt from the operation of this Act, and of any byelaws to be made under this Act.

Buildings of railway companies exempt from provisions of Act.

17. The provisions of this Act shall not apply to buildings belonging to any railway company, and used for the purposes of such railway under any Act of Parliament.

Mode of defraying expenses of obtaining this Act.

18. The expenses incurred by the Local Board in obtaining this Act, and preparatory and incidental thereto, shall be and are included among the general expenses of the Local Board, and may be defrayed accordingly from the district fund, or general district rates, or other moneys coming to their hands, and such costs shall include the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter 91, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords, or of the House of Commons.

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SCHEDULE.

Fees payable to the Local Board in respect of the erection or alteration of buildings.

Fees for New Buildings.

	£	s.	d.
For every building not exceeding four hundred square feet in area, and not more than two storeys in height	1	0	0
For every additional storey - - - - - -	0	5	0
For every additional square of one hundred feet or fraction of such square - - - - -	0	2	6
But no fee shall exceed ten pounds.			
And for every building not exceeding four hundred square feet in area, and of one storey only in height, the fees shall be - - - - - - -	0	15	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

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