CHAPTER cvii.

An Act for authorising the Weston-super-Mare Improvement Commissioners to acquire additional lands to construct additional works and to raise further Moneys for the purposes of their Water undertaking and to make further and better provision for the Improvement Health and good Government of the Urban Sanitary District of Weston-super-Mare and for other purposes. A.D. 1887.

[7th July 1887.]

WHEREAS the Weston-super-Mare Improvement Commissioners are the urban sanitary authority for the urban sanitary district of Weston-super-Mare in the county of Somerset and have divers powers under the following Acts and Provisional Orders which are in force within the district (that is to say):

The Weston-super-Mare Improvement and Market Act 1842:

The Weston-super-Mare Improvement and Market Act 1851:

Two Provisional Orders made under the authority of the Local Government Act 1858 and bearing date respectively the fourth day of May and the fifteenth day of July 1861 and respectively confirmed by the Local Government Supplemental Act 1861 (No. 2):

A Provisional Order made by the Local Government Board under the Public Health Act 1875 bearing date the sixth day of June 1876 and confirmed by the Local Government Board's Provisional Orders Confirmation (Birmingham &c.) Act 1876:

The Weston-super-Mare Waterworks Act 1853:

The Weston-super-Mare Improvement Commissioners Water Act 1878:

A Provisional Order made by the Local Government Board under the Public Health Act 1875 bearing date the twenty-second day of May 1883 and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1883:

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A Provisional Order made by the Local Government Board under the Public Health Act 1875 bearing date the eighteenth day of March 1886 and confirmed by the Local Government Board's Provisional Orders Confirmation Act 1886:

And whereas under and by virtue of the Weston-super-Mare Improvement Commissioners Water Act 1878 the Commissioners are the owners of the Weston-super-Mare waterworks and are now supplying the district with water:

And whereas it is expedient that the Commissioners be authorised to acquire additional lands and to construct additional works in connexion with their water undertaking and for the purposes thereof and for the general purposes of their water undertaking to raise and apply moneys as by this Act provided:

And whereas it is expedient that the powers of the Commissioners be amended and extended and further and better provision made with reference to streets buildings and sanitary matters within the district:

And whereas it is expedient that new and enlarged powers be conferred on the Commissioners and further and better provisions made for the prevention of the spread of infectious diseases and for the improvement health and good government of the district as by this Act provided:

And whereas estimates have been prepared by the Commissioners for the purchase of land and for the execution of the works by this Act authorised and such estimates amount to the sum of fourteen thousand pounds:

And whereas the works included in such estimates are permanent works within the meaning of the 234th section of the Public Health Act 1875:

And whereas it is expedient that such further provisions as are herein-after contained be made with respect to the Commissioners and the district:

And whereas an absolute majority of the whole number of the Commissioners at a meeting held on the fourth day of November 1886 after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the Weston Mercury and Somersetshire Herald a local newspaper published or circulating in the district such notice being in addition to the ordinary notice required for summoning the meeting resolved that the expenses in relation to the promotion of the Bill for this Act should be charged on the district fund and general district rate or paid out of moneys borrowed under this Act:

And whereas that resolution was published twice in the said Weston Mercury and Somersetshire Herald and has received the

approval of one of Her Majesty's Principal Secretaries of State and 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 Commissioners at a further special meeting held in pursuance of a similar notice on the ninth day of February 1887 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 the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired compulsorily under the powers of this Act and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and describing those lands have been deposited with the clerk of the peace for the county of Somerset and are in this Act referred to as the deposited plans sections and books of reference:

And whereas the objects of this Act 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.

Part I. *Preliminary.*

Short title.

1. This Act may be cited for all purposes as the Weston-super-Mare Improvement Act 1887.

Act divided into parts.

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

Part I. Preliminary;
Part II. Water;
Part III. Provisions as to buildings streets &c.;
Part IV. Sanitary matters;
Part V. Provisions as to infectious diseases;
Part VI. Parades and foreshore;
Part VII. Telegraph wires;
Part VIII. Hackney carriages;
Part IX. Licensing;
Part X. Street traffic;

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Part I. *Preliminary.*

Part XI. Fire;
Part XII. Police;
Part XIII. Private street works;
Part XIV. Finance rates borrowing;
Part XV. Miscellaneous.

Incorporation of general Acts.

3. The following Acts and parts of Acts so far as the same are applicable to the purposes of and are not varied by or are not inconsistent with this Act are incorporated with and form part of this Act:

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) the Waterworks Clauses Act 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoirs by this Act authorised.

Interpretation of terms.

4. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):

"The district" means the urban sanitary district of Weston-super-Mare;

"The Commissioners" means the Weston-super-Mare Improvement Commissioners;

"The waterworks" means the waterworks and works connected therewith by this Act authorised;

"The clerk" "the surveyor" "the medical officer of health" "the inspector of nuisances" mean respectively the clerk to the Commissioners the surveyor to the Commissioners the medical officer of health and any inspector of nuisances for the district and "office" in relation to any of the said officers means the office of such officer at the Town Hall or at such other place in the district as the Commissioners may from time to time appoint;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district;

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

"Public conveyance" means any omnibus hackney carriage fly or other vehicle let or used for the conveyance of passengers for hire within the district whether such vehicle be licensed by the Commissioners or not and whether the same be the property of a person residing or of a company having offices within the district or elsewhere;

"Owner" includes in the case of any building or structure in course of construction or alteration any person by whose orders or at whose cost such building or structure is being constructed or altered such person not being any contractor or builder employed to construct the same;

"Dwelling-house" means any building or part thereof used or intended constructed or adapted to be used wholly or partly for human habitation by day or by night;

"Structure" includes any building wall bridge fence railing balcony hoarding scaffold platform stack of bricks or of timber pier pillar post door gate or other such erection construction or thing;

"Ground floor" used with reference to any building means that floor thereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building;

"Building for public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a theatre hotel public hall public concert-room public ball-room 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;

"Omnibuses" means and includes omnibuses waggonettes char-à-bancs stage coaches or any similar vehicles standing or plying for hire or used for the conveyance of passengers at separate fares in any part of the district;

"Velocipede" includes bicycle tricycle and every other like mechanical contrivance;

"Person" includes corporation;

"Daily penalty" means a penalty for each day on which the offence is continued after conviction.

The several words and expressions to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act (except where otherwise expressly provided) the same respective meanings unless there be something in the subject or context repugnant to

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Part I. *Preliminary.*

such construction Provided that in this Act and (for the purposes of this Act) in enactments incorporated with this Act;

The expressions "railway" and "the centre of the railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act mean the works and the boundaries of the works by this Act authorised and the expression "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a simple contract debt and not a debt or demand created by statute.

Execution of Act.

5. This Act shall be carried into execution by the Commissioners according to the Public Health Acts and other Acts for the time being affecting the Commissioners as a sanitary authority and with all the rights powers privileges and authorities and subject to all the obligations and liabilities conferred or imposed by those Acts respectively on the Commissioners and on the officers agents and servants of the Commissioners with respect to matters provided for by or comprised in the Public Health Acts and the other Acts respectively and as nearly as may be in all respects as if the powers duties exemptions and property vested in imposed on or enjoyed by the Commissioners by or under this Act were vested in imposed on or enjoyed by them by or under those Acts respectively.

Limits of Act.

6. This Act except where otherwise expressed or implied shall apply exclusively to the district.

Part II.—Water.

Part II. *Water.*

Power to take lands.

7. Subject to the provisions of this Act the Commissioners may for the purposes of their water undertaking enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

Power to make water-works.

8. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described wholly situate in the parish of Weston-super-Mare in the county of Somerset (that is to say):

(A) A reservoir to be situate in the north-western corner of a field belonging or reputed to belong to and in the occupation of the Commissioners and bounded on the west by Ashcombe Park Road and on the north by the Upper Bristol Road.

(B) A reservoir to be situate in land of the Commissioners at Weston Woods or Worlebury Hill and adjoining or near to the existing reservoir of the Commissioners there.

(c) All necessary and proper embankments walls filtering beds dams drains sluices conduits culverts channels pipes buildings machinery roads approaches and other works and conveniences.

Deviation.

9. In constructing the waterworks the Commissioners may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and three feet downwards Provided that the Commissioners shall not in the exercise of the power of lateral deviation hereby given make any embankment or wall of any reservoir of a greater height than that shown on the deposited plans and sections with reference to the corresponding embankment or wall and three feet in addition.

Period for compulsory purchase of lands.

10. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Power to acquire additional lands by agreement for waterworks purposes.

11. In addition to the lands which the Commissioners are by this Act authorised to purchase compulsorily they may for any purposes in connexion with their water undertaking from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole three acres or any springs wells or waterworks or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of their water undertaking Provided that the Commissioners shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their water undertaking.

Provision as to labouring class houses.

12. The Commissioners shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants

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Part II. *Water.*

whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for completion of works.

13. If the waterworks authorised by this Act and shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Commissioners from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within their limits of supply.

Power to take easements &c. by agreement.

14. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Commissioners any easement right privilege or authority (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights privileges and authorities as aforesaid respectively.

Reservation of water rights &c. on sale.

15. On the sale by the Commissioners of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Waterworks to form one undertaking.

16. The existing waterworks of the Commissioners together with all lands buildings mains pipes fixtures fittings apparatus and effects in connexion therewith and all existing rights powers and privileges of the Commissioners in relation to the supply of water shall together with the waterworks authorised by and lands acquired under this Act form one undertaking and such undertaking is in this Act referred to as the water undertaking.

Part III. *Provisions as to buildings streets &c.*

Part III.—Provisions as to Buildings Streets &c.

Definition of buildings.

17. For the purposes of this part of this Act and of any other Local Act for the time being in force within the district and of any byelaw made thereunder the expression "building" (including

"new building" as defined by the next following section) shall include any erection or construction of a permanent character (not being a sewer or drain) whether of masonry brickwork wood iron or other materials and whether under or above the natural ground level and whether intended for human habitation or for trade or any other purpose whatever.

What to be deemed new buildings.

18. From and after the passing of this Act—

The erection of any building;

The re-erection wholly or partially on the same site of any building of which an 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 conversion into a dwelling-house of any building not originally constructed for human habitation;

The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house;

The conversion into two or more dwelling-houses of any building constructed originally as one dwelling-house;

The conversion into one dwelling-house of two or more buildings constructed originally as separate dwelling-houses;

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 any other Local Act for the time being in force within the district and of any byelaw made thereunder respectively be deemed to be the erection of a "new building."

Exemptions.

19. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures:

(A) Every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also 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.

(B) Every building (not being a dwelling-house) structure chimney or work in the possession of and used or intended to be used

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Part III. *Provisions as to buildings streets &c.*

for the purpose of any railway company under the provisions of any Act of Parliament.

(c) Any county lunatic asylum any sessions house or any other public building belonging to or wholly or permanently occupied by the justices of the peace of the county of Somerset.

(d) Any gaol house of correction bridewell penitentiary or other prison and any building occupied or intended to be occupied by any prison officer for the use of such prison and contiguous thereto.

(e) Any building (not being a dwelling-house) belonging to any person or body of persons authorised by virtue of any Act of Parliament to navigate on or use any river canal dock harbour or basin or to demand any tolls or dues in respect of the navigation of such river or canal or the use of such dock harbour or basin and used or intended to be used exclusively under the provisions of such Act of Parliament for the purposes of such river canal dock harbour or basin.

(f) Any building (not being a dwelling-house) erected or to be erected in connexion with any mine and used or intended to be used exclusively for the working of such mine.

(g) Any building erected or intended to be erected under the Improvement of Land Act 1864 or other Acts for the improvement of land administered by the Enclosure Commissioners for England and Wales.

(h) Any building which may not be exempt by the operation of the preceding subsections of this section and which may be erected or may be intended to be erected in accordance with such plan and in such manner as may be approved or directed in pursuance of any statutory provision in that behalf by one of Her Majesty's Principal Secretaries of State.

Plans &c. deposited to belong to Commissioners.

20. In all cases plans sections and specifications deposited with the Commissioners or the surveyor in pursuance of any byelaw made by the Commissioners shall be retained by the Commissioners unless the same have been supplied in duplicate when one copy shall be returned with the notice of approval or disapproval signed by the chairman of the Commissioners or by the clerk or by the surveyor.

Approval of plans.

21. The approval by the Commissioners of any plan of new buildings 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 approved after the passing of this Act within three years from the date of such approval; and

As to plans approved before the passing of this Act within two years from the passing of this Act:

And at the expiration of those respective periods fresh notice deposits and approval shall unless the Commissioners otherwise determine be requisite:

The Commissioners shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced.

Buildings abutting on streets.

22. For the purposes of this part 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.

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

23.—(1) Every person intending to build or to take down any building or to alter or repair the outward part of any building in any street shall before beginning so to do unless the Commissioners otherwise consent in writing cause a close-boarded hoarding or fence to be put up in order to separate the building from the street with (if the surveyor so require) a convenient covered platform and handrail to serve as a footway for passengers outside of such hoarding or fence and shall keep such hoarding or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the Commissioners during such time as in their opinion the public safety or convenience requires and shall when required by the Commissioners in order to prevent accidents cause the same to be sufficiently lighted during the night and when required by the Commissioners shall remove such hoarding or fence.

(2) When any scaffolding or platform shall with the sanction of the Commissioners be constructed over any footpath or footpavement such scaffolding or platform shall be constructed in such a manner as to prevent rain or other water or lime sand or fragments of brick from such scaffolding or platform falling on passengers below.

Hoardings not to be higher than necessary.

(3) It shall not be lawful for any person to erect on or in front or at the side of any scaffold any hoarding to a greater extent or height than the surveyor shall consider necessary for the protection of the public.

Power to prohibit cellars in districts liable to floods.

24. The Commissioners may from time to time prohibit in any part of the district liable to be flooded or abutting upon any stream or watercourse the construction of any cellar or underground storey in any dwelling-house.

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Part III. *Provisions as to buildings streets &c.*

Levels of new dwelling-houses and construction of cellars.

25. The level of the ground floor of every new dwelling-house shall if so required by the Commissioners be at least six inches above the level of the footway street or court adjoining such dwelling-house at the point where the same adjoins such dwelling-house whether there shall be a cellar to such dwelling-house or not and the floor of every cellar in every such dwelling-house shall be laid with hard flags or tiles or with such other non-absorbent material as may be approved by the Commissioners.

Height of chimneys.

26. With respect to the height of chimneys the following provisions shall have effect namely :

(1) In every case except with the permission of the Commissioners under the hand of the clerk every new chimney of whatever material intended to be used in connexion with the furnace of a fixed steam-engine or boiler or bakehouse or in connexion with any trade or business (save as herein-after excepted) shall not be less than thirty feet high.

(2) No portable steam-engine shall after the passing of this Act be erected or used except with the permission of the Commissioners under the hand of the clerk within ninety feet of any occupied dwelling-house unless connected with a chimney of such height as the Commissioners may in each case prescribe not exceeding fifty feet.

(3) All steam ejected from any fixed steam-engine or the boiler thereof and all steam arising or produced in any trade or business shall be discharged into a chimney or flue and in such manner as not to be an annoyance to the public.

(4) 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 steam-rollers or fire-engines.

(5) 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.

Fire-places of buildings to have hearths of certain dimensions.

27. Every fire-place 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 eighteen 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 a trimmer arch or on other compact and incombustible material having a depth of at least seven inches below the upper surface of

the hearth and in no case shall the hearth be supported or rest on wood or timber.

Rooms in roofs.

28. In any case where there are rooms in a roof whether habitable rooms or not the roof shall be deemed a storey for any of the purposes of this Act or of any byelaw thereunder.

Buildings to be used for public resort to have sufficient means of ingress and egress.

29. Every building which after the passing of this Act is intended to be used as a building for public resort and which shall not have been so used at the time of the passing of this Act and any galleries therein shall be provided with ample and convenient means of ingress and egress 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 and it shall not be lawful for the proprietor or occupier or person in charge of such building to allow the same to be used for any such purpose as aforesaid unless and until he has obtained a certificate under the hand of the surveyor that the Commissioners are satisfied with the sufficiency of the means of ingress and egress provided at such building and any galleries therein and any person who being the proprietor or occupier or person in charge of such building shall permit the same to be used for any such purpose as aforesaid without having previously obtained such certificate shall for every such offence be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

As to repair of vaults &c. under streets.

30. All vaults arches and cellars at any time existing under any street within the district 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 to passengers therein and in default thereof it shall be lawful for the Commissioners after twenty-four hours notice in that behalf to cause the same respectively to be repaired and kept in good order and the expenses of so doing shall be settled by the surveyor and be paid to the Commissioners by such owner or occupier respectively.

Ovens and furnaces to have protecting walls.

31. The owner of any oven used by any baker for the first time after the passing of this Act and of any furnace used by any tradesman or artificer for the first time after the passing of this Act shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building in which

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Part III. *Provisions as to buildings streets &c.*

such oven or furnace shall be and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Commissioners.

Safety of platforms &c. erected or used on public occasions.

32.—(1.) Whenever large numbers of persons are likely to assemble on the occasion of any public procession open-air meeting or other like occasions every building 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 following provisions shall have effect and may be put in full force accordingly.

(2.) Whenever any such building platform balcony or other structure or any part thereof or anything thereon or attached thereto or projecting therefrom is deemed by the surveyor to be in a state or position whereby danger to any person is or may be occasioned the surveyor shall give notice under his hand to the owner or occupier of such building platform balcony or other structure or to both or to either of them requiring such owner or occupier forthwith to remove repair or secure the same to the satisfaction of the surveyor.

(3.) In case the work of removing repairing or securing such building platform balcony or other structure or such part thereof or such thing thereon or attached thereto or projecting therefrom is not begun within forty-eight hours after the service of such notice as aforesaid or is not completed to the satisfaction of the surveyor as soon as the nature of the case admits it shall be lawful for the surveyor to give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both or either of them to appear before a court of summary jurisdiction.

(4.) In case it appears to the court that immediate danger to any person from such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid is to be apprehended the court shall make an order authorising the surveyor to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith removed repaired or secured.

(5.) In case it appears to the court that danger to any person is to be apprehended but that such danger is not immediate the court shall make an order on such owner or occupier or on both of them requiring him or them to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be removed repaired

or secured to the satisfaction of the surveyor within a period to be prescribed in such order In case such order is not obeyed within the period prescribed therein any and every person (whether one or more) on whom such order has been made shall be liable to a penalty not exceeding forty shillings for every day during which such order has not been obeyed after the end of the period prescribed therein.

(6.) The court may at any time after the end of the period prescribed in such order make an order authorising the surveyor to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be removed repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty pay all the costs charges and expenses attendant on the removing repairing or securing of such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid.

(7.) If the owner or occupier of any building platform balcony or other structure which the surveyor has deemed to be in a dangerous state or position cannot be found or does not appear after service of notice and summons as herein-before provided it shall be lawful for the court having cognisance of the matter to make an order authorising the surveyor to cause such building platform balcony or other structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith removed repaired or secured and the costs charges and expenses thereof shall be paid by such owner or occupier as aforesaid.

(8.) Where a building platform balcony or other structure is removed by the Commissioners or the surveyor under the powers of this section the Commissioners may sell the materials thereof or part of them and shall apply the proceeds of the sale or any part thereof either in or towards payment of the costs and expenses incurred by them in relation to such building platform balcony or other structure or shall pay the same or any part thereof to the owner of such building platform balcony or other structure as a court of summary jurisdiction shall determine.

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

33.—(1.) Where on the plan of any building as submitted to and approved by the Commissioners 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 Every person so using such part of such building or permitting the same to be so used shall for

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Part III. *Provisions as to buildings streets &c.*

every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

(2.) Provided that if the said 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 byelaws 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 necessary in the opinion of the Commissioners for converting it into a dwelling-house or if in the opinion of the Commissioners no structural alterations are necessary to render the same fit for use as a dwelling-house the Commissioners may on the application of the owner thereof authorise the same to be used as a dwelling-house.

(3.) It shall be lawful for the chairman for the time being of the Commissioners or any justice of the peace by warrant under his hand to authorise the surveyor inspector of nuisances or any other officer of the Commissioners 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 surveyor inspector or officer so authorised from or in making such inspection shall be liable to a penalty not exceeding forty shillings.

Existing courts not to be rebuilt.

34. No building shall be erected (without the consent in writing of the Commissioners) in any existing court on any land on which a building shall not be standing at the commencement of this Act and when in any existing court any buildings shall be burnt or pulled down to or below half the front elevation thereof such building shall unless the Commissioners consent otherwise in writing be entirely pulled down and removed and shall not without such consent be rebuilt.

The Commissioners shall make compensation to the owner of such building land for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt or of no building being erected as the case may be and in case of dispute as to the amount of compensation to be made by the Commissioners under this section the same shall be settled by arbitration in manner provided by the Public Health Act 1875.

Entrance to courts &c. not to be interfered with.

35. The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the passing 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 Commissioners in writing.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

36. Whenever the person erecting any building shall be desirous of leaving any opening or of placing any steps or other projections in any forecourt area or space left in front of such building such forecourt area or space shall be well and sufficiently fenced off from the footpath or street by a railing or parapet or dwarf wall and palisades or otherwise to the satisfaction of the Commissioners 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.

Formation of new streets.

37. It shall not be lawful for any person except with the consent of the Commissioners to erect or build or to begin to erect or build any new building abutting upon any new street or part of a new street unless the Commissioners shall have previously approved of the level and available width of such new street or part of a new street nor until the site of the carriageway and footway of such new street or part of a new street shall have been approved by the Commissioners.

Power to vary line of new streets.

38. The Commissioners may 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 adjoining or leading thereto The Commissioners shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Continuations of existing streets to be deemed new streets.

39. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street and shall be of the full available width at the least of the street of which it shall be a continuation Provided always that such new street shall in no case without the consent of the Commissioners be of less available width than that specified in the byelaws for the time being in force Provided also that this section shall not apply to or in the case of any continuation of any existing street the plan and section of which have been approved of by the Commissioners before the passing of this Act Provided further that the Commissioners may allow areas or spaces

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Part III. *Provisions as to buildings streets &c.*

below the level of the pavement covered to their approval not exceeding the width of two feet.

Commissioners may define future line of streets.

40.—(1.) Where any street in the district is in the opinion of the Commissioners narrow or inconvenient or without any sufficiently regular line of frontage the Commissioners may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street The line which in any case the Commissioners propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Commissioners formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

(2.) The Commissioners may purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Commissioners as part of the street.

(3.) Whenever in any of the above cases the Commissioners shall require the said line to be observed and kept they shall make full compensation to the owner and other persons immediately interested in any new building for any loss or damage they may sustain in consequence of such new building being set back and the Commissioners shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all loss damage or injury (if any) sustained by them by reason of the Commissioners requiring the said line to be observed and kept All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

(4.) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty of like amount.

Coal-shoots &c.

41. 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 Commissioners 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 the surveyor in writing.

Crossings for horses or vehicles over footways.

42. Every person desirous of forming a communication for horses or vehicles across any footpath so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Commissioners and shall if so required by them submit to them 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 shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case a plan shall have been required then in accordance with the plan so approved and not otherwise.

Recovery of damages caused to footways by excavations.

43. If the footway of any street belonging to or under the management of the Commissioners be injured by or in consequence of any excavations on lands adjoining to such footway the Commissioners 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 Commissioners by the owner of the lands on which such excavation has been made and may be recovered by the Commissioners in a summary manner.

Undertakings &c. to bind successive owners.

44. Every undertaking or agreement in writing given by or to the Commissioners to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Commissioners and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Commissioners a copy of such undertaking or agreement.

"Paved" to include asphalte.

45. With respect to the provisions of the Public Health Act 1875 for declaring any street within the district to be a highway the word "paved" in section 152 of that Act shall be construed so as to include a street or part of a street asphalted or paved with wood tar paving or patent stone of any kind.

Part IV.—Sanitary Matters.

Part IV. *Sanitary matters.*

Rooms over privies or ash-pits not to be used as dwelling

46. No room built before or after the passing of this Act any portion of which extends immediately over any privy cesspool midden or ash-pit shall be occupied as a dwelling or sleeping or work-room and no person shall after the expiration of three months after the

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passing of this Act wilfully and knowingly occupy or knowingly suffer to be occupied as a dwelling or sleeping or work-room any such room Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty of forty shillings.

or sleeping rooms.

As to cleansing of privies &c. used in common.

47. If any ash-pit urinal privy earth closet or watercloset used in common by the inmates of separate dwellings or by the inmates of premises used as separate dwellings or the approaches to or the walls floors seats or fitting of any such ash-pit urinal privy or closet or any of them is or are in the opinion of the Commissioners or of the medical officer of health or inspector of nuisances in such a state or condition as to be a nuisance for want of the proper cleansing thereof then that one of the persons having the use thereof in common as aforesaid who is in default or in the absence of proof satisfactory to the justices as to which of them is in default each of the persons having the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings and to a further penalty not exceeding five shillings for each day during which the same shall remain in such a state or condition after notice of the state or condition of the same shall have been posted thereon.

Penalty for injuring a privy.

48. If any person injures or improperly fouls any privy earth-closet watercloset ash-pit or ash-tub used in common by the occupiers of two or more dwelling-houses or any tub or receptacle for belonging to or connected with such privy earth closet water-closet or ash-pit he shall for every such offence be liable to a penalty not exceeding ten shillings.

Power to order closets &c. to be provided.

49. If at any time it appear to the Commissioners on the report of the medical officer of health surveyor or inspector of nuisances that any building whether built or rebuilt before or after the passing of this Act is without a sufficient privy pan-closet watercloset earth closet ash-pit or ash-tub or other like accommodation the Commissioners may give notice in writing to the owner or occupier of such building requiring him within such time as shall be specified in such notice to provide a sufficient privy pan-closet watercloset earth closet ash-pit or ash-tub or other like accommodation and if any such owner or occupier makes default in complying with such requirement to the satisfaction of the Commissioners within the time specified in such notice he shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding five shillings for every day or part of a day during which default shall continue Provided always that where in the opinion of the Commissioners a privy pan-closet watercloset earth closet ash-pit or ash-tub or other like

accommodation as aforesaid may be used in common by the inmates of two or more buildings the Commissioners may if they think fit dispense with the provision of a separate privy pan-closet water-closet earth closet ash-pit or ash-tub or other like accommodation as aforesaid for each building Any notice under this section may either be a separate notice or may be included in or form part of a notice requiring the filling up or removal of a privy cesspool or ash-pit.

Power to supply courts with water-closets &c.

50. The Commissioners for the purpose of supplying a court or place with a watercloset earth closet ash-pit ash-tub or other sanitary accommodation 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 Commissioners 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 manner or as new street expenses Provided that if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof he may appeal to a court of summary jurisdiction to determine the amount or apportionment as the case may be.

Privies &c. for manufactories &c.

51. Every building used as a workshop manufactory or school whether erected before or after the passing of this Act shall be provided with sufficient privy earth closet or watercloset and urinal accommodation having regard to the number of persons employed or in attendance at such workshop manufactory or school and all such urinals privies and waterclosets shall be provided with a proper water supply for flushing purposes.

Public waterclosets urinals and lavatories.

52. The Commissioners may erect and maintain or permit to be erected and maintained in any street or public place or on land belonging to them or on land belonging to any person with the consent of the owner lessee or occupier thereof for the time being waterclosets urinals and lavatories for the use of the public and may charge for the use of such waterclosets and lavatories erected and maintained by them such sum as they may think proper and the Commissioners may make byelaws for the management of such waterclosets urinals and lavatories and for the conduct of the persons using the same Every watercloset urinal or lavatory erected

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by permission of the Commissioners under this section shall be subject to such terms and conditions as the Commissioners may prescribe with respect to the charges (if any) to be made for the use thereof and for repairing and keeping the same in proper order and for closing or removing the same if and when required by the Commissioners but nothing herein shall be held to authorise a charge for the use of a public urinal.

Urinals to be attached to refreshment houses &c.

53. The Commissioners may order the occupier of any inn public-house or beer-house built before or after the passing of this Act to provide and maintain upon his premises urinals to the satisfaction of the Commissioners and if any person fails after the expiration of fourteen days from the service of such order to comply with any of the provisions of this section he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty of twenty shillings.

Steam &c. not to be turned into sewers.

54. Every person who having had notice from the Commissioners of the provisions of this section shall at any time after the expiration of seven days from the service of such notice turn or knowingly permit to enter into any sewer or into any drain communicating therewith any waste steam condensing water or heated water from any boiler or other receptacle used with any steam engine or for any manufacturing or trade purposes (such water being of a higher temperature than one hundred and ten degrees of Fahrenheit's thermometer) shall be liable for every such offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds The Commissioners by any of their officers may demand to enter any premises for the purpose of examining whether the provisions of this section are being contravened and if such admission be refused any justice on complaint thereof on oath by any officer of the Commissioners (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 an officer of the Commissioners into the premises and any such order shall continue in force until the offence shall have ceased or the works necessary to prevent the recurrence thereof shall have been executed.

Commissioners may make communications between private drains and their sewers on payment &c.

55. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Commissioners such communication shall be made by the Commissioners upon the cost or estimated cost of making the communication being paid to the Commissioners or the payment thereof to them being secured to their satisfaction

and the Commissioners may execute all works necessary for that purpose.

Commissioners may agree to make drains at expense of owner.

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

Refuse and other injurious matters not to pass into sewer.

57. No person shall sweep or cast or permit to flow into any street sewer or drain or over any grating or opening communicating with any sewer or drain any soil earth rubbish filth or offal or any matter or substance which would interfere with the free flow of the sewage or which would be injurious to the construction of the sewers or drains and every person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Patent rights as to dealing with sewage.

58. The Commissioners may from time to time contract for take and use any leave license or authority (not being exclusive) to work use or exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the utilisation treatment dealing with and disposal of sewage excreta and refuse and may enter into and carry into effect agreements and arrangements in relation to any such disposal or dealing respectively.

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

59. 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.

Restrictions as to brick burning.

60. Every person who shall within two hundred yards of any dwelling-house situate within or near any street burn any bricks or tiles except in a brickyard existing at the passing of this Act shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Regulating the removal of liquid refuse.

61. No person shall collect or remove through a street hog-wash or other liquid refuse of an objectionable character from any house or premises within the district except between the hours of

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nine in the afternoon and nine in the forenoon from April to October and between the hours of seven in the afternoon and nine in the forenoon from November to March.

Penalty for not keeping common passages clean.

62. If any passages not being public highways leading to the back of several buildings in separate occupations be not regularly and effectually swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Commissioners the Commissioners may if they think fit sweep and clean any such passage and the expense thereby incurred may be recovered in a summary manner in equal proportions from the occupiers of the buildings to the back of which the passage leads.

Penalty on filling up or embanking ground with offensive matter.

63. It shall not be lawful to raise fill or embank any ground within the district intended to be used for building purposes with any offensive or unwholesome matter and every person who does or causes 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 a daily penalty not exceeding forty shillings.

Part V. *Provisions as to infectious diseases.*

Part V.—Provisions as to Infectious Diseases.

Definition of infectious disease.

64. "Infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Commissioners under the provisions and for the purposes of this part of this Act may from time to time declare to be infectious.

Other diseases may be declared to be within the foregoing provision.

65. The Commissioners may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this part of this Act shall be deemed to be an infectious disease within and subject to the provisions of this part of this Act.

(1.) Any such order of the Commissioners may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Commissioners shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the district and after such public notice has been given the provisions of this part of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this part of this Act.

(2.) The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given.

(3.) The Commissioners shall immediately after any such order shall have been made send a copy thereof to each legally qualified medical practitioner residing in the district but the omission to send any such copy shall not affect the validity of such order.

Cowkeepers and others to furnish list of customers in certain cases.

66. Whenever it shall be certified to the Commissioners by the medical officer of health or other legally qualified medical practitioner that the outbreak or spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk-store or milk-shop the Commissioners may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the district and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Commissioners shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Further powers in relation to disinfection of premises.

67. Where the Commissioners are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner 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 Commissioners than by the owner or occupier of such house or part thereof the Commissioners 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 Commissioners in carrying out the provisions of this section shall be

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liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Part V. *Provisions as to infectious diseases.*

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

68. 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 disinfected to the satisfaction of a legally qualified 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.

Retention of dead bodies in certain cases prohibited.

69. No person shall without the sanction in writing of the medical officer of health or of a legally qualified medical man 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.

70. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Commissioners and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or 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 hospital or place of temporary accommodation to any public mortuary and for the purpose of this section such mortuary shall be deemed part of such hospital or place of temporary accommodation.

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

71. Where the dead 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 of a legally qualified 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 and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the Commissioners to any mortuary provided by the Commissioners and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of 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 expense 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.

72. 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.

Temporary shelter nursing &c.

73. The Commissioners 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 they shall also provide or contract with any person or persons to provide nurses for attendance upon the members of any family suffering from any infectious disease within the district who may have been compelled to leave their

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Part V. *Provisions as to infectious diseases.*

dwellings as aforesaid and may charge a reasonable sum for the service of any nurse provided by them.

Penalty for offences under s. 84 of Public Health Act.

74. 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 five pounds and to a daily penalty not exceeding forty shillings.

Penalties only recoverable by Commissioners.

75. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Commissioners.

Saving for Acts relating to dairies animals &c.

76. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or the Contagious Diseases Animals Act 1886 or of any order license or act of Her Majesty's Privy Council 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 Privy Council or the Local Government Board or exempt the dairies milk-stores or milk-shops to which this Act relates 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.

Power of entry for purposes of ss. 120 and 121 of Public Health Act.

77. For the purpose of carrying into effect the provisions of sections 120 and 121 of the Public Health Act 1875 or either of those sections the Commissioners may by any officer appointed in that behalf 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 ashpits &c.

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

Part VI.—Parades and Foreshore.

Part VI. *Parades and foreshore.*

Commissioners may make byelaws as to user of parades &c.

79. The Commissioners may from time to time make byelaws for all or any of the following purposes (that is to say):

For prohibiting or regulating the erection on the foreshore sands and wastes within or in front of the district of any booths tents sheds stands stalls shows exhibitions swings roundabouts or other erections and the playing of any games on the said foreshore sands and wastes which in the opinion of the Commissioners may be a cause of danger obstruction nuisance or

annoyance and generally for regulating and if need be prohibiting the user for such purposes as shall be prescribed by the byelaws of the said foreshore sands and wastes or any part thereof.

For regulating and if need be prohibiting the selling and hawking of any article commodity or thing on the parades.

For the preservation of order and good conduct among persons frequenting the parades foreshore sands and wastes.

Provisions as to bathing.

80. The Commissioners may by resolution from time to time fix and determine and alter the hours during which bathing may take place from those parts of the sea-beach in front of the district which are not comprised in any public bathing place or any stand for bathing machines:

And any person who shall undress on the sea-beach or bathe in the sea in front of the district except from a bathing machine or from a public bathing place or from a boat distant from the shore not less than two hundred yards and from any stand for ladies' bathing machines not less than four hundred yards at any other time than between the hours so appointed shall for every such offence be liable to a penalty not exceeding forty shillings:

And the Commissioners may from time to time make and when made vary amend or rescind byelaws for the preservation of decency and order at public bathing stations and with respect to the hours during which bathing may take place therefrom and may by such byelaws prescribe the use of decent and sufficient bathing garments.

Power to annex conditions to licenses of bathing proprietors.

81. The Commissioners may from time to time annex to any license granted to the owner or lessee of any bathing machine such conditions as to the employment of boats boatmen and attendants for the purpose of ensuring the safety of bathers as the Commissioners may think fit and as to the qualifications of such boatmen and attendants and any owner or lessee of any bathing machine who or any of whose boatmen attendants or servants shall commit a breach of any such conditions shall be liable to a penalty not exceeding five pounds and the Commissioners may in the event of conviction suspend or revoke the license of any such owner or lessee.

Protection of bathers.

82. The Commissioners may license and if they think fit pay boatmen for the purpose of protecting persons whilst bathing.

Commissioners may control removal of rock beach sand &c.

83. The Commissioners may by byelaws prevent the removal of rock boulders beach shingle and sand from any parts of the foreshore sands or wastes within or in front of the district.

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Part VI. *Parades and foreshore.*

Power to erect conservatories and reading rooms &c.

84. It shall be lawful for the Commissioners at any time and from time to time with the sanction of the Local Government Board to erect and maintain shelters band stands reading rooms conservatories lavatories waterclosets urinals and other places and conveniences for the use accommodation and recreation of the inhabitants of and visitors to the district on suitable sites on the parades foreshore sands or wastes or on any lands adjacent thereto now or hereafter belonging to the Commissioners The Commissioners shall have power to employ persons to manage and take charge of any places established under this section and may from time to time make alter repeal and enforce byelaws to regulate admissions thereto and the user thereof.

Part VII. *Telegraph wires.*

Part VII.—Telegraph Wires.

Byelaws for prevention of danger from telegraph wires &c.

85.—(1.) The Commissioners may from time to time make 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 purpose of any telegraph telephone railway signalling or other purpose.

(2.) By such byelaws provision may be made for the inspection and examination by the Commissioners 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 Commissioners 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 Commissioners 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.) Nothing in such byelaws shall extend to any posts wires tubes or other property belonging to the Great Western Railway Company nor to any appliances or apparatus used by that company in connexion with their business and which now are or hereafter shall be fixed upon posts or supports placed upon any railway.

(7.) Nothing in such byelaws shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

As to existing telegraph wires &c.

86. If during the said period of five years any existing work 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. other than telegraph

87. It shall not be lawful for any person to fix or place any rope line cord post wire tube or other similar apparatus (other than posts wires tubes or other apparatus for telegraphic telephonic or railway signalling purposes) above ground over across or along any street

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Part VII. *Telegraph wires.*

wires &c. over under or across or along streets.

without the consent of the Commissioners which consent shall be in writing under the hand of the clerk and may contain such terms and conditions as the Commissioners 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:

Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

Saving for posts wires &c. of Postmaster General.

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

Telegraphic &c. communications between Town Hall and offices.

89. The Commissioners may from time to time provide and maintain for their Town Hall offices and other establishments including the stations of any volunteer fire brigades and the private residences of the firemen thereof such telegraphic or telephonic communication between such parts of the district as they may deem fit but such telegraphs and telephones shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster General by the Telegraph Acts 1863 to 1885 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Commissioners as if the Commissioners were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Commissioners to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management.

Part VIII. *Hackney carriages.*

Part VIII.—Hackney Carriages.

Power to make byelaws as to omnibuses &c.

90. The provisions of the Town Police Clauses Act 1847 with respect to hackney carriages and the drivers thereof except sections thirty-eight fifty-three fifty-five fifty-six fifty-seven and fifty-nine shall so far as the same are applicable for the purpose extend and apply to omnibuses and they shall be deemed to be hackney carriages accordingly and the Commissioners may from time to time make and enforce byelaws for all or any of the following purposes in addition to the purposes mentioned in the sixty-eighth section of the said Act namely:

(*a*) For providing for the exhibition on some conspicuous part of every such omnibus of a statement in legible letters and figures of fares to be demanded and received from the person using or carried for hire in such omnibus:

(*b*) For preventing the owner driver or conductor of any such omnibus or any other person on their behalf by touting calling out or otherwise from importuning any person to use or to be carried for hire in such omnibus to the annoyance of such person or of any other person:

(*c*) For prescribing the routes by which within a distance of three miles from the Town Hall in the district any such omnibus may convey passengers:

Provided also that notwithstanding anything in the provisions so applied a license granted in pursuance thereof shall be in force for one year only from the date of the license or until the next general licensing meeting of the Commissioners when a day for such meeting is appointed.

Certain provisions of Town Police Clauses Act not to apply to omnibuses.

91. So much of section sixty-eight of the Town Police Clauses Act 1847 as authorises the making of byelaws with respect to the fares to be charged for hackney carriages shall not apply to the fares to be charged for any such omnibus.

Distance for which omnibuses may ply for hire.

92. The prescribed distance to which within the meaning of sections thirty-seven forty-five forty-six and fifty-one of the Town Police Clauses Act 1847 a license for any such omnibus to ply or stand for hire by or to be used or carry passengers at separate fares shall extend shall be a distance not exceeding six miles from the Town Hall in the district.

Definition of terms.

93. For the purposes of sections fifty-four fifty-eight and sixty-six of the Town Police Clauses Act 1847 as applied by this part of this Act the fare according to the statement of fares exhibited on any such omnibus shall be deemed to be the fare allowed by the special Act or the fare authorised by a byelaw under the special Act.

Word driver of omnibus to include conductor.

94. Whenever the word driver or drivers occurs in any of the said sections of the Town Police Clauses Act 1847 it shall be deemed to include every conductor of any such omnibus.

Saving for railway companies.

95. Nothing in this part of this Act or in section sixty-eight of the Town Police Clauses Act 1847 contained shall empower the Commissioners to fix the site of the stand of any such omnibus in any railway station station approaches or in any yard adjoining or connected therewith except with the consent of the railway company owning such site Provided also that nothing in this part of this Act or in the Town Police Clauses Act 1847 as amended by this Act shall apply to or include or empower the Commissioners to interfere

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Part VIII. *Hackney carriages.*

in any way with any wheeled carriage of whatever form or construction which may belong to or be hired or used by any railway company for conveying passengers and their luggage to or from their respective railways or to or with the drivers or conductors thereof unless such wheeled carriage shall ply for hire in the ordinary way that hackney carriages or omnibuses do.

Powers of inspector of hackney carriages.

96. The inspector of hackney carriages may from time to time examine all public vehicles plying for hire within the district and shall see that the laws and byelaws relating to such public vehicles are duly observed If any proprietor driver or conductor or other person shall obstruct or hinder such inspector in the execution of his duties or shall refuse to comply with any lawful order or direction of such inspector he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Hackney carriage fares to or from railway stations.

97. The provisions of the Town Police Clauses Act 1847 as extended by this Act and of any byelaws thereunder with respect to the fares to be charged by the drivers of hackney carriages plying for hire within the district shall be as fully applicable in all respects to hackney carriages conveying passengers to or from any railway station within the district as if such railway station were a public stand for hackney carriages.

Extension to other persons of provisions of Town Police Clauses Act as to drivers of hackney carriages.

98. The provisions of the Town Police Clauses Act 1847 with respect to the drivers of hackney carriages shall extend and apply to persons drawing or propelling any wheeled carriage licensed to stand or ply for hire in any street within the prescribed distance as though such persons were the drivers of hackney carriages.

Part IX.—Licensing.

Part IX. *Licensing.*

Power to license persons following certain callings.

99.—(1) The Commissioners may from time to time grant to every person they think fit a license to carry on the calling of luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such license.

(2) Any license issued by the Commissioners under this Act may be granted for a year or for any less period according as the Commissioners may think fit and may be suspended or revoked or endorsed by the Commissioners whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of this power to suspend or revoke or endorse a license shall be plainly set forth in the license itself.

Conditions as to licenses.

100. Every license whensoever issued shall expire on the first Tuesday in the month of May next following the date of its issue and may contain conditions as to the badge which the holder of any such license shall wear.

Appeal against suspension of licenses.

101. If any person feels himself aggrieved by the suspension or revocation of his license he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear to it expedient.

Penalty on persons misrepresenting themselves to be licensed.

102. If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in the foregoing section in this part of this Act whereof the marginal note is "power "to license persons following certain callings" he shall be liable to a penalty not exceeding twenty shillings.

Part X.—Street Traffic.

Street traffic.

103. The following provisions with respect to traffic in the streets of the district shall have effect (that is to say):—The chairman of the Commissioners may from time to time prohibit on certain days or during certain hours any circus procession or any procession of animals which he may consider likely to cause danger in the streets and also the passage through the streets of advertising vans and vehicles of an objectionable character And any person who acts in contravention of any such prohibition shall be liable to a penalty not exceeding five pounds.

Shelters may be provided.

104. The Commissioners may place or authorise to be placed in such of the streets of the district as they may think fit suitable erections for the use convenience and shelter of any persons holding a license from the Commissioners under this Act or the Public Health Acts or any Act incorporated therewith and may make byelaws for the management and use of such places and the conduct of the persons resorting thereto and may attach a penalty of not exceeding forty shillings for any breach of such byelaws Every such erection shall be subject to removal at any time by the Commissioners.

Public drinking fountains.

105. The Commissioners may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs

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Part X. *Street traffic.*

respectively and may furnish or discontinue such gratuitous supply in such public places as the Commissioners think fit but not against or adjoining the footpath in front of any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof.

Refuges &c. in streets.

106. The Commissioners may from time to time place and maintain in any street raised paving or places of refuge posts pillars rails bars chains or other fences either permanent or temporary for the protection of passengers and traffic along the street or for making the crossing thereof less dangerous to passengers or for protecting passengers on any of the footways from injury danger or annoyance and may from time to time alter and remove any such raised paving place of refuge post pillar rail bar chain or fence.

Part XI. *Fire.*

Part XI.—Fire.

Captain of fire brigade to have control of operations.

107. The captain or superintendent of the fire brigade of the Commissioners or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire in the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Commissioners fire brigade or by any other including the fixing of the positions of the fire engines and apparatus the attaching of hose to any water-pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed Any person wilfully disobeying any order of any such officer of the Commissioners or of the fire brigade shall be liable to a penalty not exceeding forty shillings.

Power to enter and break open premises in case of fire.

108. Any police constable authorised to act as such in the district may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Part XII. *Police.*

Part XII.—Police.

For preventing obstruction in streets.

109. If three or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons

shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Street musicians to depart on request.

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

Betting in streets and public places prohibited.

111. Any three or more persons assembled in any part of any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

As to dangerous amusements.

112. The Commissioners may from time to time by notice in writing under the hand of the clerk compel the fencing off of whirligigs and swings which in the opinion of the Commissioners may be a source of danger or accident if not so fenced and such notice may contain provisions to control the speed of and restrict the use of steam power as applied to any whirligig or swing and may prohibit the use of dangerous whirligigs and swings.

County byelaws regulating the use of velocipedes extended to the district.

113. The byelaws for the time being in force for regulating the use of velocipedes and made by the justices of the peace or other the county authority for the time being for the county of Somerset shall extend and apply mutatis mutandis for regulating the use of velocipedes in the district.

Prohibition of obscene bills &c.

114. If any person affixes or causes to be affixed to any house building wall board lamp post tree post gate public seat fence or convenience or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

As to hanging goods outside shop doors or windows.

115. Every person who places hangs up or otherwise exposes for sale any furniture clothing goods produce wares merchandise matter or thing whatsoever outside any shop door or window in any street

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Part XII. *Police.*

so that the same stands or rests upon or hangs over any public street or footway within eight feet of the surface thereof outside such shop door or window shall be liable to a penalty not exceeding forty shillings for each offence.

Regulation of shows caravans &c. during fair time.

116. The Commissioners may from time to time make byelaws for prescribing hours within which during any fair or at any other time any show booth caravan circus or exhibition may be kept open and for preventing such places being open on Sundays and for preserving order therein.

Weighing of coals.

117. Every person delivering coal not exceeding in quantity two hundredweight to any one purchaser shall carry with the vehicle employed by him in such delivery proper and sufficient weights and scales whereby the purchaser may have his coals weighed and the coal shall on the request of the purchaser be weighed accordingly by the person delivering the same.

Any person delivering coal as aforesaid and not provided with weights and scales for weighing or not weighing the coal when requested by the purchaser so to do or failing to give just weight or using his weights and scales for weighing in other than a proper state to weigh accurately shall be liable to a penalty for every such offence not exceeding forty shillings.

Part XIII. *Private street works.*

Part XIII.—Private Street Works.

Private street works.

118.—(1.) Where any street (not being a highway wholly repairable by the inhabitants at large) or the carriageway or footway or any other part of such street is not sewered levelled paved metalled flagged kerbed channelled or made good or is not lighted to the satisfaction of the Commissioners the Commissioners may from time to time resolve with respect to such street or part to do any one or more of the following works (in this part of 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 and the expenses incurred by the Commissioners 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 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 and sections estimates and provisional apportionments shall comprise the particulars prescribed in Part I. of the schedule to this Act and shall be submitted to the Commissioners who may by resolution approve the same respectively with or without modification or addition as they think fit.

(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 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 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 Commissioners offices and shall be open to inspection at all reasonable times.

Objections to proposed works.

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

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

(*b*) That a street or part 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:

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Part XIII. *Private street works.*

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.

Hearing and determination of objections.

120.—(1.) The Commissioners 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 Commissioners 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 Commissioners 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 Commissioners 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.

121.—(1.) The Commissioners may include in any works to be done under this part of this Act with respect to any street or part any works which they think necessary for bringing the street or part 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 surface and storm water outlets where necessary.

(2.) The Commissioners in any estimate of the expense 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.

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Part XIII. *Private street works.*

Apportionment of expenses.

122. 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 in respect of which the expenses are to be incurred shall unless the Commissioners otherwise resolve be apportioned according to the frontage of the respective premises but the Commissioners may if they think just 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.

Amendment of plans &c.

123. The Commissioners 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 such estimate and the provisional apportionment shall be published in manner prescribed in Part II. of the schedule to this Act and shall be open to inspection at the Commissioners offices at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

Final apportionment and recovery of expenses.

124.—(1.) When any private street works have been completed and the actual expenses thereof ascertained the surveyor shall make a final apportionment by dividing the actual expenses and the commission aforesaid 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 published in the manner prescribed in Part II. of the schedule to this Act and the sums apportioned thereby 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.

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Part XIII. *Private street works.*

(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 Commissioners 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 original apportionment.

Charge on premises.

125.—(1.) Any premises included in the final apportionment and all estates and interests 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 apportioned against them or if objection has been made against the 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 Commissioners shall for the recovery of such sum and interest 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.

(2.) The Commissioners 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 Commissioners 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 Commissioners.

Recovery of expenses summarily or by action.

126. The Commissioners 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 competency 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 Provided that any pro-

ceeding in a court of summary jurisdiction or county court under this section may be commenced at any time within twelve months and not afterwards of the time when the matter of such proceedings arose.

Contribution by Commissioners to expenses.

127. The Commissioners if they think fit may at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate.

Adoption of private streets.

128. Whenever all or any of the private street works in this Act mentioned have been executed in a street or part of a street by the Commissioners and the Commissioners are of opinion that such street or part ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part declare the whole of such street or part to be a highway repairable by the inhabitants at large and thereupon such street or part 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 Commissioners object thereto and in ascertaining such majority joint owners shall be reckoned as one owner.

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

129. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Commissioners) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Commissioners shall within three months from the time of such application declare in writing under their common seal the same to be a public highway and thereupon the said street shall become a public highway and shall be thereafter repaired by the Commissioners.

Separate accounts of expenses of works.

130. The Commissioners shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this part of this Act relating to private street works.

Railways abutting but not communicating with streets not to be chargeable with expenses under this Act.

131. No railway company or canal 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 such street as is in this part of this Act mentioned 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 or canal or railway or canal sidings and shall have no communication

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Part XIII. *Private street works.*

with such street and the expenses incurred by the Commissioners 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 Commissioners by the other owners having frontages abutting on such street and in such proportion as shall be 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 Commissioners the expenses which but for the foregoing provision such company would in the first instance have been liable to pay And the Commissioners 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 Commissioners 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 But this section shall not apply to any street existing or the plans for which have been approved at the date of the passing of this Act.

Power for limited owners to borrow for expenses.

132. 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 thirty years.

Power to apply general district fund in executing works for private owners.

133. Whenever the Commissioners are by this Act or any byelaw for the time being in force within the district authorised to execute re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Commissioners execute any works upon the application of or by agreement with the owner of the lands houses or other property for or in respect of which the same are to be executed the Commissioners may apply the district fund in or towards the executing re-executing or altering of such work act or thing but this section shall not affect the liability of any such owner occupier or other person to repay the moneys expended by the Commissioners.

No incumbent of any church &c. liable to

134. No incumbent minister or trustee of any church chapel or place appropriated to public religious worship which is now by law exempt from rates for the relief of the poor shall be liable to any

expenses under this Act of draining levelling paving flagging or channelling metalling or making good any street as the owner or occupier of such church chapel or place or of any churchyard or burial ground attached thereto situate within any street 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 and the Commissioners shall undertake any works from the expenses of which any such incumbent minister or trustee is hereby exempted and shall defray the expenses thereof out of the general district rates.

expenses for draining and paving.

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Rates.

Buildings erected since last valuation list may be valued and rated.

135.—(1) If after the making of the valuation list or if there be none then after the making of the last poor rate and before the making of the next general district rate by the Commissioners any building be newly erected which would be assessable to the poor rate the Commissioners may cause such building to be valued by a competent valuer and the Commissioners may in making the assessment for such general district rate include such building therein.

(2) For the purpose of every such valuation the valuer with his assistants may at all reasonable hours until the same is completed enter and survey all and every part of the property to be valued and do any act or thing necessary for the making of such valuation and the valuer may accept any valuation tendered to him which he may consider just and true.

(3) If any person think himself aggrieved by any rate made on the basis of such valuation he may at the first meeting of the Commissioners held after the publication of such rate after giving three days notice in writing to the Commissioners apply to the Commissioners for relief and they may grant such relief as they may think right and may amend such rate accordingly.

Borrowing.

Power to borrow.

136. The Commissioners may from time to time (in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public or local Act) borrow at interest on mortgage on any of the following securities either together or separately and for the following purposes being purposes to which capital is properly applicable and not otherwise such sums as they

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from time to time think requisite not exceeding the following sums (that is to say):

On security of the revenue of their water undertaking and of the district fund and general district rates:

For waterworks purposes fifty thousand pounds;

For paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as herein-after defined the sum requisite for that purpose:

On security of the district fund and general district rates:

For any of the purposes of this Act other than waterworks purposes such sums as may be necessary and as shall from time to time be sanctioned by the Local Government Board:

And in calculating the sum which the Commissioners may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Commissioners as to borrowing and re-borrowing shall not be restricted by any of the provisions as to borrowing contained in the Public Health Acts Provided that it shall not be lawful for the Commissioners to borrow for waterworks purposes under this Act any sums exceeding fourteen thousand pounds unless with the sanction of the Local Government Board.

Provisions as to mortgages.

137. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):

Section 236 (form of mortgage);

Section 237 (register of mortgages); and

Section 238 (transfer of mortgages).

As to repayment of borrowed moneys.

138. With respect to the repayment of moneys to be made under the powers of this Act the following provisions shall have effect (that is to say):

(1) The Commissioners shall repay all money borrowed by them under the powers of this Act within the respective periods herein-after mentioned from the date when the same shall have been respectively borrowed:

As regards moneys borrowed for waterworks purposes without the sanction of the Local Government Board forty years and as regards moneys borrowed for such purposes and for any of the other purposes of this Act with the sanction of the Local Government Board within such periods as shall be sanctioned by that Board;

As regards moneys borrowed for paying the costs of this Act ten years.

(2) And such repayment shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of sinking funds;

Or partly by such instalments and partly by sinking funds.

(3) And the sinking funds shall be provided as follows:

The Commissioners year by year shall appropriate and set apart out of the funds and rates on the security of which such moneys shall have been borrowed such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum be sufficient to pay off within the periods by this Act prescribed the whole or as the case may be the portion of the principal moneys borrowed on such security which is to be repaid by means of sinking funds.

(4) The first payment by instalments or to the said sinking funds as the case may be shall be made on the 31st day of March following the time of the borrowing of such moneys.

(5) Provided as follows (that is to say):

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages debentures debenture stock or corporation stock of any local authority as defined by the Local Loans Act 1875 (other than the Commissioners) granted or issued under any Act order or sanction under which such local authority are authorised to borrow money:

(B) The Commissioners may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per cent. on which the calcula-

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tions for the equal annual payments to the sinking fund are based Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Power to borrow under Local Loans Act 1875

139. The Commissioners may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Commissioners in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act Provided always that if the Commissioners at any time think fit to form a sinking fund for the payment of money so borrowed all sums of money paid into the same shall be as soon as may be invested by the Commissioners in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Commissioners under this Act.

Power to re-borrow.

140. If the Commissioners pay off any part of any money borrowed by them under the powers of this Act otherwise than as follows viz. :—By instalments or by means of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Commissioners with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Protection of lender from inquiry.

141. A person lending money to the Commissioners shall not be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

Audit of accounts.

142. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Commissioners under this Act and to the audit of such accounts.

Saving priority of existing charges.

143. All existing charges on the funds or rates of the Commissioners shall during their continuance have priority over any mortgages debentures or securities on the same funds or rates granted by the Commissioners under the powers of this Act.

Application of moneys from sale &c. of lands.

144. The Commissioners shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Commissioners Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

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

145. The clerk to the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under 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 purposes of such sinking fund during the year next 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 (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk to the Commissioners shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as

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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 Commissioners have failed to pay any such 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 other purposes 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 or applied by the Commissioners as part of the sinking fund and any such order may be enforced by Mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

For appointment of a receiver.

146.—(1) The mortgagees of the Commissioners under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court of Justice and the court if it thinks fit may appoint a receiver on such terms as it thinks fit.

(3) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

Commissioners may retain portion of water revenue to meet extraordinary expenditure.

147. The Commissioners may from time to time retain out of the surplus revenue (if any) from their water undertaking any sum not exceeding one thousand pounds in the whole in any one year for the purpose of meeting any extraordinary expenditure which may arise in connexion with their water undertaking.

Application of moneys borrowed.

148. All moneys borrowed by the Commissioners under this Act shall be applied to the several purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and to no other purpose.

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Part XV.—Miscellaneous.

General provisions as to byelaws.

149. All byelaws from time to time made by the Commissioners under the powers of this Act except byelaws made under Part VII. (telegraph wires) shall be made under and according to the pro-

visions with respect to byelaws contained in sections 182 to 186 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority Provided that all byelaws may be partly in print and partly in writing (including lithograph) and that no byelaws made under the authority of this Act affecting Part VI. (parades and foreshore) except so far as such byelaws relate to the parades shall be valid or come into force without the consent in writing of the Board of Trade.

Form and service of notices by Commissioners.

150. Any instrument or document (including any notice order resolution declaration adjudication requisition consent approval disapproval demand determination appointment list roll register return form paper or other document) made given delivered or served under this Act or any byelaw made by the Commissioners under the powers of this Act may be either in print or in writing (including lithograph) or partly in print or partly in writing (including lithograph) and shall be sufficiently authenticated by the signature of the clerk and a copy thereof respectively so authenticated shall be receivable in evidence without the production of the original and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned) and any such instrument or document may be served on any owner occupier or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the property be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument or document was properly addressed and posted

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Provided always that in the case of a railway company any such instrument or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Service of notice on Commissioners.

151. Except where otherwise expressed to the contrary any notice to or demand on the Commissioners under this Act may be served on the Commissioners by being delivered to the clerk or by being sent through the post in a registered letter directed to the clerk in which latter case service shall be deemed to be effected on the Commissioners on the day on which such letter would be delivered in the ordinary course of post.

Compensation how to be determined.

152. When any compensation damages expenses costs or charges is or are directed to be paid under this Act 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.

Penalty on occupiers refusing execution of Act.

153.—(1.) In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Commissioners under this Act or under any byelaw made under the powers of this Act then after notice of this provision given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(2.) If the occupier of any premises when requested by or on behalf of the Commissioners to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully misstates the same he shall (unless he shows a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Penalties to be paid over to the treasurer &c.

154. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Commissioners be paid to the treasurer and be by him carried to the credit of the district fund.

As to appeal.

155. Any person deeming himself aggrieved by any order judgment determination assessment or requirement or the withholding of any certificate consent or approval of or by the Commissioners or of or by any officer or valuer of the Commissioners or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Commissioners then only after such application) to the next practicable court of quarter sessions and the provisions of section 269 of the Public Health Act 1875 as amended by the Summary Jurisdiction Act shall so far as the same are applicable extend and apply to such appeal.

Public bands.

156. The Commissioners may from time to time pay or contribute towards the payment of a public band of music for the district to perform in any place of public resort within the district as the Commissioners may prescribe Provided that the amount of such payments or contributions shall be paid out of the district fund and shall not in any one year exceed in amount the rate of one halfpenny in the pound on the rateable value of the district assessable to the general district rate.

Saving rights of Crown in foreshore (Board of Trade).

157. Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

As to works on foreshore.

158. The Commissioners shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same

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without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

Expenses of Act.

159. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Commissioners out of the funds and rates under the control of the Commissioners or out of moneys borrowed on the security thereof under the powers of this Act.

The SCHEDULE referred to in the foregoing Act.

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 in or near the street to which it relates once at least in each of three successive weeks.

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