



CHAPTER ccxxxiii.

An Act to enable the Urban District Council of Selby A.D. 1904.
to construct new waterworks and to make further
provision with regard to their water and gas under-
takings and for the improvement health and local
government of the district. [15th August 1904.]

WHEREAS the district of Selby in the West Riding of the
county of York is an urban district within the meaning of
the Local Government Act 1894 and is under the control and
management of the Selby Urban District Council:

And whereas the Council are the owners of the waterworks
which supply the district with water:

And whereas the supply of water within the district is inade-
quate for the present and future needs of the inhabitants thereof
and it is expedient that the Council should be authorised to con-
struct additional works and should be entrusted with further
powers in reference to their water undertaking:

And whereas the Council are the owners of the gasworks
and gas undertaking which supply the district with gas and their
powers are defined by the Selby Gas Orders 1891 and 1898 and
it is expedient that the powers of the Council in reference thereto
should be enlarged:

And whereas the Council have adopted Parts III. and IV. of
the Public Health Acts (Amendment) Act 1890 and have also
adopted the Infectious Disease (Prevention) Act 1890:

And whereas it is expedient that further and better provision
be made with reference to buildings and streets and sanitary
matters and for the improvement health rating and local govern-

[Ch. ccxxxiii.] *Selby Urban District Council* [4 EDW. 7.]
Act, 1904.

A.D. 1904. ment of the district and that the powers of the Council in relation thereto should be enlarged and extended:

And whereas it is expedient that the Council be authorised to borrow money as in this Act provided:

And whereas the Council have borrowed various sums of money for the purposes of their waterworks under the powers of the Public Health Act 1875 and it is expedient that all moneys so borrowed should be excluded from computation for the purpose of arriving at the amount which the Council may borrow under the provisions of that Act:

And whereas estimates have been prepared by the Council for the purchase of lands for and for the construction of the waterworks by this Act authorised and such estimates amount to thirty thousand pounds:

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines situations and levels of the waterworks by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the West Riding of the county of York and are in this Act referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the Council at a meeting held on the first day of October one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Selby Express* a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged upon the district fund and general district rate or be paid out of moneys to be borrowed under this Act:

And whereas such resolution was published twice in the said *Selby Express* and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole

number of the Council at a further special meeting held in pursuance of a similar notice on the twentieth day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1904.

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

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 King'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.

1. This Act may be cited for all purposes as the Selby Urban District Council Act 1904. Short title.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with this Act) are incorporated with this Act namely:— Incorporation of general enactments.

The Waterworks Clauses Act 1847 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 and except section 83 of that Act with respect to accounts and except also the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner";

The Waterworks Clauses Act 1863;

The Gasworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and except section 38 relating to accounts;

The Gasworks Clauses Act 1871 except section 7 relating to receipts for money payable to shareholders section 8 relating to the appointment of a receiver and section 35 and Schedule B relating to accounts; and

The Lands Clauses Acts.

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Interpreta-
tion.

3. The several words and expressions to which by the Public Health Acts and by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

The expressions “the undertakers” and “the promoters of the undertaking” mean the Council:

And in this Act unless the context otherwise require—

“The district” means the urban district of Selby in the West Riding of the county of York;

“The Council” means the urban district council of the district;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district;

“The clerk” “the surveyor” and “the inspector of nuisances” mean respectively the clerk and the surveyor to the Council and the inspector of nuisances of the district and include any persons duly authorised to act temporarily in those capacities respectively;

“Medical officer” means the medical officer of health of the Council or of any combined district within which the district is or may be comprised and includes any person duly authorised to act temporarily as medical officer of health;

“Gas” includes all kinds of gas;

“Power gas” means any gas capable of being used for purposes of motive power and heating but not suitable for illuminating purposes;

“Proportional meter” means a gas-meter which measures and records a constant fraction of the total quantity of gas passing through the meter;

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky

sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression "sky sign" shall also include any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include—

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(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement;

(2) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof. Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(3) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place;

"Recreation ground" means any public park garden or recreation ground for the time being belonging to the Council or under their control or management;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the district;

"Dairyman" means any cowkeeper purveyor of milk or occupier of a dairy;

"Dairy" means any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

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

“Daily penalty” means a penalty for each day on which any offence is continued after conviction therefor ;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed ;

“Statutory securities” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being an annuity rentcharge or security transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include any securities of the Council ;

“The Order of 1891” means the Selby Gas Order 1891 confirmed by the Local Government Board’s Provisional Orders Confirmation (Gas) Act 1891 ;

“The Order of 1898” means the Selby Gas Order 1898 confirmed by the Local Government Board’s Provisional Orders Confirmation (Gas) Act 1898.

Limits of
Act.

4. Save as in this Act otherwise provided the limits for the exercise of the several powers by this Act conferred shall be the district.

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WATER.

5. The limits of the Council for purposes of water supply (in this Act called "the water limits") shall be the district. Water limits.

6. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in over upon or under the lands delineated on the said plans and described in the deposited book of reference the waterworks shown on those plans together with all necessary drains pipes sluice-valves air-valves wash-outs junctions apparatus and other works and conveniences in connection with or incidental to such waterworks. The principal waterworks herein-before referred to are the following:— Power to make new waterworks.

- (1) A pumping station with a tower or towers wells tanks bore-holes engines and all other necessary works in connection therewith to be situate in the townships or parishes of Brayton and Gateforth or one of them in certain fields on the north side of Mill Lane and numbered 320 and 321 on the Ordnance Survey map (scale $\frac{1}{2500}$) of the said parishes;
- (2) A covered service reservoir to be situate in the said parish or township of Brayton at a place known as Brayton Barff and numbered 5 on the said Ordnance Survey map of that parish;
- (3) A conduit or line of pipes to be situate in the said parishes or townships of Brayton and Gateforth or one of them commencing at the intended pumping station and terminating at the reservoir before mentioned;
- (4) A conduit or line of pipes to be situate partly in the parishes or townships of Brayton and Thorpe Willoughby or one of them and partly in the district commencing at the said reservoir and terminating by a junction with the existing main or conduit of the Council in Gowthorpe at its junction with Doncaster Road.

7. Subject to the provisions of this Act the Council in addition to the waterworks authorised by the section of this Act whereof the marginal note is "Power to make new waterworks" Power to make subsidiary waterworks.

A.D. 1904. may upon any land acquired or to be acquired by them for water-works purposes make and maintain all proper and necessary embankments walls bridges roads ways streams diversions tanks basins gauges filters filter-beds dams sluices hatchboxes chambers bye-washes sluices weirs outfalls discharge pipes shafts adits tunnels catchwaters aqueducts culverts cuts channels conduits mains pipes stand-pipes junctions valves drains telegraphs telephones engines pumps machinery apparatus approaches fences buildings houses works and conveniences connected with the water-works herein-before referred to or any of them or incidental thereto or necessary or convenient for conducting inspecting cleansing repairing or managing the same Provided that any telegraphs or telephones constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Lateral and vertical deviation.

8. The Council in constructing the works by this Part of this Act authorised may make deviations from the lines of such works but not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits and they may also deviate from the levels delineated on the deposited sections to any extent not exceeding five feet upwards and seven feet downwards Provided that no part of any line of pipes shall be constructed or laid so as to be above the surface of the ground except so far as is shown on the deposited sections or except for the purpose of crossing over a stream.

Period for completion of works.

9. If the works shown on the deposited plans and authorised by this Part of this Act 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 Council for executing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Council from renewing extending enlarging altering reconstructing or removing any of their tanks gauges drains sluices catchpits conduits culverts valves wash-outs bye-washes engines pumps machinery apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Power to take waters.

10. Subject to the provisions of this Act the Council may take intercept collect impound use divert and appropriate for the

purposes of their water undertaking all such springs streams and waters as will or may be intercepted or abstracted by means of the waterworks by this Act authorised or any of them. A.D. 1904.

11. The waterworks by this Act authorised shall be deemed to form one undertaking with the existing waterworks of the Council and that undertaking shall be subject to the provisions of this Act so far as the same are applicable thereto. Existing and new waterworks to form one undertaking.

12. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking. Power to hold lands for protection of waterworks.

13. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of the waterworks of the Council with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Council flowing to upon under or from such lands directly or derivatively into such reservoirs and works : Power to agree as to drainage of lands.

The Council shall not in or during or after the construction cleansing or repairing of any reservoirs filters filter beds or other works by this Part of this Act authorised knowingly cast or discharge or knowingly permit or suffer to pass or be cast or washed or discharged into any river or stream within the jurisdiction of the West Riding of Yorkshire Rivers Board any solid matter (including solid matter in suspension) or any foul or polluting liquid arising from or consequent upon the Acts aforesaid :

Any infringement of this section shall be deemed to be an offence by the Council against section 5 of the West Riding of Yorkshire Rivers Act 1894.

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Power to lay
pipes in
streets not
dedicated to
public use.

14. The Council may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Rates for
supply of
water for
domestic
purposes.

15. The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence per annum ;

Where such rateable value exceeds five pounds and does not exceed seven pounds ten shillings the sum of thirteen shillings per annum ;

Where such rateable value exceeds seven pounds ten shillings and does not exceed ten pounds the sum of seventeen shillings and fourpence per annum ;

Where such rateable value exceeds ten pounds and does not exceed thirty pounds the rate of eight pounds per centum per annum upon such rateable value ;

Where such rateable value exceeds thirty pounds the rate of seven pounds per centum per annum upon such rateable value :

Provided that the Council shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation

list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction. A.D. 1904.

16. In addition to the foregoing charges the Council may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Rates for
water-closets
and baths.

17. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. Rates pay-
able by
owners of
small houses.

18. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes Provided also that the price to be charged for a supply by measure shall not exceed one shilling per thousand gallons. Supply of
water for
other than
domestic
purposes and
by measure.

19.—(1) The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital or large public institution. Supply by
meter in cer-
tain cases.

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(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

(3) The Council shall not charge a higher rate than one shilling per thousand gallons for any supply by meter.

Power to sell
or let meters.

20. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

Byelaws for
preventing
waste &c. of
water.

21. — (1) The Council may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

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22. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Council not bound to supply several houses by one pipe.

23. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Notice of discontinuance.

24. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Council of connecting or disconnecting meters.

25. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council or the punishment of the offender) for every such offence forfeit and pay to the Council a sum not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained :

Injuring meters.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also between the hours of nine in the forenoon and six in the afternoon enter upon the premises occupied by the offender and repair such injury and do all such works

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The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to Council to supply materials.

26. The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

For protection of existing sources of supply.

27. (1)—(A) If in any case it shall be agreed between the owner or owners of any lands houses or premises in the rural district of Selby and being within a radius of two and a half miles from the proposed pumping station of the Council and the Council or failing agreement it be determined by an engineer to be mutually agreed on as arbitrator or failing agreement to be nominated by the Board of Trade that the supply of water to any such lands houses or premises from any existing wells pumps ponds or watering places is diminished or prejudicially affected by the exercise by the Council of the powers conferred upon them by this Act the Council shall within such time as may be agreed on or the arbitrator may appoint afford to the owner or owners of such premises free of all costs or charges and at such places and in such manner as the owner or owners may reasonably require or the arbitrator may direct such supply of water as may be agreed upon between the owner or owners and the Council or failing agreement as the arbitrator shall consider to be equivalent

in quality and quantity to the supply at present enjoyed by such owner or owners from such sources of supply : A.D. 1904.

(B) The Council may if they think fit in lieu of making good the deficiency or diminution of supply deepen or otherwise improve the affected well pump pond or watering place or make such borings as will increase the supply and make good the deficiency and the owner shall without making any charge give the Council access and any and every facility for carrying out such works and also for the purpose of testing the level of the water in the well pump pond or watering place :

(c) All water to be supplied by the Council to any owner or owners under this section shall be so supplied in priority to all other supplies of water from the works by this Act authorised :

(D) If in any case it shall be agreed between any such owner or owners and the Council or failing agreement be determined by an arbitrator nominated as aforesaid that the Council are unable or cannot be reasonably called upon to provide any such owner or owners with a supply of water as aforesaid the Council shall make full compensation in money to any such owner for all damage sustained by him or to which he may become liable by reason of the exercise by the Council of the powers conferred by this Act and the amount of such compensation shall unless otherwise agreed be determined by the arbitrator :

(E) If at any time the Council (although able to give a supply as aforesaid) fail to provide any owner or owners with a supply of water in accordance with the provisions of this section they shall pay to every such owner a penalty not exceeding ten pounds for every day in which they are so in default :

(F) The Council may upon giving seven days' notice in writing to the owner and occupier of any premises from time to time inspect and test any wells pumps ponds or watering places to which this section refers and for that purpose may enter upon the land and premises upon which any such well pump pond or watering place is situate making good any damage caused by such inspection or entry :

(G) The wells pumps ponds and watering places referred to in this section shall be marked upon a plan to be prepared by the surveyor or engineer of the Council and to be approved by the agent for Lord Londesborough and such plan shall be deposited with the Council and a copy shall also be deposited with the Selby Rural District Council :

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(H) The well belonging to the Leeds Corporation and supplying the Hagghouse farm on the Gateforth estate shall be deemed to be within the radius of two and a half miles from the pumping station.

(2) Notwithstanding anything contained in this Act and shown upon the deposited plans and described in the deposited book of reference the limits of deviation for Work No. 1 authorised by this Act shall be restricted to a piece of land two hundred feet in width and one thousand one hundred and seventy-five feet in length extending along the east side of fields numbered 2 and 3 on the deposited plans adjoining the road leading from Mill Lane to Brayton Barff. The Council may drive headings from the borehole in any direction within a radius of one hundred yards from the bore-hole provided that a plan be supplied to Lord Londesborough of such headings when they are driven.

For protec-
tion of North
Eastern
Railway
Company.

28.—(1) All mains and pipes laid or proposed to be laid by the Council under the powers of this Act which shall cross any railway of the North Eastern Railway Company (hereinafter called "the railway company") shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the rails of the railway than three feet and in laying and maintaining any mains pipes culverts or other works upon or across or under any work or property of the railway company the Council shall execute the work under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with the plans drawings and specifications previously submitted to and approved by him and shall pay and make good to the railway company all loss damages and expenses which the said railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts and other works or by or in consequence of the bursting of or any other accident to any main pipe or reservoir of the Council or otherwise howsoever. If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or culverts shall be altered the Council shall on receiving notice in writing from the railway company so to do alter the

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position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts in their altered position.

(2) The Council shall not without the consent in writing of the railway company purchase or take any property of the railway company but they may purchase and take such right or easement or privilege over or upon any lands or works of the railway company delineated on the deposited plans as shall be necessary for the purpose of laying and maintaining the mains and pipes and other works by this Act authorised and the Council shall not either temporarily or permanently enter upon use or interfere with any railway or property of the railway company save only as far as may be necessary for the purpose of constructing and maintaining the said works in accordance with the provisions of this Act Provided always that nothing in this Act contained shall enable the Council to interfere with any station or other building of the railway company without their consent in writing first had and obtained.

(3) So much of any line of pipes as will be laid under roads across which the railway company are authorised by the North Eastern Railway Act 1903 to carry their Selby and Goole Railway shall be constructed in accordance with plans sections and specifications and at such levels as may be approved by the engineer of the railway company and so as not to interfere with the construction of that railway.

(4) In case of any difference between the Council and the railway company or their respective engineers touching the meaning or effect of this section or in relation to anything done or to be done under its provisions the same shall be determined by a single arbitrator to be appointed in case of difference by the Board of Trade.

29. In executing the waterworks by this Act authorised and exercising other powers within the limits of supply of water and gas respectively defined by this Act so far as main roads and county bridges of the West Riding of the county of York are thereby affected the following provisions for the protection of the county council of the said West Riding (in this section called "the county council") shall have effect unless otherwise

For protec-
tion of West
Riding
County
Council.

A.D. 1904. agreed on in writing between the county council and the Council
(that is to say) :—

- (1) All mains pipes or works to be laid in or along any main road shall be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith but shall be carried over the stream crossed by such bridge by means of wrought-iron riveted tubing (or other suitable method to be agreed on between the parties) entirely separate from and independent of such bridge or arch and the gradient of such bridge and of the respective approaches thereto shall not be altered ;
- (2) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Council under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work Provided that if the said surveyor shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof ;
- (3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible despatch ;
- (4) The Council shall pay to the county council the reasonable cost in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised ;
- (5) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve any such main road and

also to remove alter widen or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Council for any expense or loss to which the Council may be put in consequence of such diversion widening improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Council shall at their own expense as and when requested by the said surveyor remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford at the cost of the Council reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the continuous supply of water or of gas as the case may be;

- (6) Notwithstanding anything in this Act contained if any difference arise between the Council and the county council touching this section or anything to be done or not to be done thereunder such difference shall be referred to the arbitration of an engineer to be agreed upon as arbitrator or failing agreement to be appointed by the Local Government Board on the application of either of the parties in difference and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

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For protec-
tion of Selby
Rural Dis-
trict Council.

30. In executing the works and exercising the powers by this Act authorised so far as they affect the highways roads bridges and culverts within the jurisdiction and under the control of the Selby Rural District Council the provisions of the last preceding section of this Act (For protection of West Riding County Council) shall mutatis mutandis and so far as the same are applicable apply to such highways roads bridges and culverts unless otherwise agreed in writing between the Council and the said rural district council.

Supply in
bulk to Selby
Rural Dis-
trict Council.

31. The Council shall from time to time if required by the Selby Rural District Council supply to such council from any of the conduits or lines of pipes by this Act authorised and laid within the district of such council water in bulk by meter at rates not exceeding those made by the Council within their own district.

PART III.

GAS.

Gas limits.

32. The limits of the Council for purposes of gas supply (in this Act called "the gas limits") shall be the district.

Power to
continue
existing
gasworks.

33. Subject to the provisions of this Act the Council may maintain alter improve enlarge extend and renew or discontinue their existing gasworks and they may also erect lay down provide and maintain alter improve enlarge extend and renew or discontinue additional and other gasworks with all necessary retorts gasometers condensers scrubbers exhausters purifiers gasholders tanks receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke culm slack tar pitch asphaltum ammoniacal oil sulphate of ammonia and all other products or residuum of any materials employed in or resulting from the manufacture of gas Provided that nothing herein contained shall authorise the Council to manufacture gas or residual products upon any lands except those described in the schedule to the Order of 1891.

Fittings to
be free from
distress.

34. Any fittings let for hire by the Council under the provisions of the Order of 1891 shall not be subject to distress

or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof. A.D. 1904.

35. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:— As to construction and placing of pipes between mains and meters.

- (1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer in the first instance or on the occasion of any renewal between the Council's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises;
- (2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time;
- (3) The specification shall be published twice in some newspaper circulating in the district and a copy thereof shall be kept exhibited in the office of the Council;
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building;
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's

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specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with;

- (6) Any person to whom the Council refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

No penalty in case of unavoidable cause.

36. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Council or was of so slight or unimportant a character as not materially to affect the value of the supply Article XIII. of the Order of 1891 is hereby repealed.

Power to refuse to supply persons in debt for other property.

37. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Council without paying all gas or meter rent due from him the Council may refuse to furnish to him a supply of gas until he pays the same.

Limiting price of gas.

38. The price to be charged by the Council for gas supplied by them for illuminating purposes to persons who shall burn the same by meter shall not at any time exceed five shillings per one thousand cubic feet Article XIV. of the Order of 1891 is hereby repealed.

Pressure of gas.

39. All gas other than power gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such

consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Council of the time and place at which such testing shall be conducted Article XI. of the Order of 1891 and the words in Article XII. of the same Order from "any gas examiner" to the end of the article are hereby repealed.

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40. The prescribed number of candles for gas supplied for illuminating purposes shall be fourteen Article IX. of the Order of 1891 is hereby repealed.

Quality of gas.

41. The provisions of sections 11 12 28 29 30 31 32 33 34 36 and 37 and of Schedule A of the Gasworks Clauses Act 1871 shall not apply to power gas.

Certain provisions of Gasworks Clauses Act 1871 not to apply to power gas.

42.--(1) It shall not be lawful for the Council at any time to supply power gas—

Conditions as to quality of power gas supplied.

(A) Which contains more than fourteen per centum of carbon monoxide; or

(B) Which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Council shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their districts so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 41 of the Coal Mines Regulation Act 1887 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively:

Provided that no proceedings shall be taken against the Council by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have

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given notice in writing to the Council at the Council offices of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Use of proportional meters.

43. The Council may require any consumer of power gas supplied by them to consume such gas by a proportional meter to be supplied and fixed by and at the expense of the Council instead of by a meter which is a legal meter within the meaning of the Sale of Gas Act 1859 and in every such case the provisions of this section shall apply in lieu of those of the said Act:

An inspector under the Sale of Gas Act 1859 may at the request of any consumer of power gas supplied by the Council by a proportional meter on giving not less than twenty-four hours' written notice to the Council of his intention examine and test any proportional meter within his jurisdiction as such inspector by which such gas is supplied to such consumer and if necessary may remove the meter for that purpose doing as little damage as may be:

If upon such examination and testing it appears that the meter measures or registers incorrectly more than three per centum in favour of the Council the same shall not be re-fixed or used again unless and until altered and repaired at the expense of the Council so as to measure and register correctly and the fees and expenses of the inspector shall be borne and paid by the Council but if it appears that the meter measures or registers correctly or three per centum or less in favour of the Council then the fees and expenses of the inspector shall be borne and paid by the consumer:

Sections 21 and 22 of the Sale of Gas Act 1859 which relate to appeals from the decision of inspectors shall apply for the purposes of this section as if they were with any necessary modifications re-enacted in this Act.

Power gas not to be supplied for illumination.

44. The Council shall not supply power gas for the purpose of illumination and no power gas supplied by the Council shall be used for that purpose:

If any person supplied by the Council with power gas shall use the same for the purposes of illumination the Council shall forthwith upon becoming aware thereof discontinue the supply:

If the Council act in contravention of the provisions of this section they shall for every offence be liable to a penalty not

exceeding twenty pounds and to a daily penalty not exceeding five pounds. A.D. 1904.

45. Whenever the Council make default in supplying power gas to any owner or occupier of premises to whom they may be required to supply power gas under this Act or fail to supply power gas under such adequate pressure they shall be liable in respect of each default to a penalty not exceeding forty shillings for each day on which the default occurs: Penalty for failure to supply.

Provided that the penalties to be inflicted on the Council under this section shall in no case exceed in the aggregate in respect of any defaults not being wilful defaults on the part of the Council the sum of fifty pounds for any one day And provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

46. Nothing in this Act contained shall exempt the Council from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the commencement of this Act or from any regulations which may be made under any such general Act. Provision as to general Acts relating to power gas.

47. The Council may upon the application of the owner or occupier of any premises within the gas limits abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and from time to time take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. Power to lay pipes in streets not dedicated to public use.

48. The Council may take hold and use within the gas limits patent rights or licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture production conversion utilisation or distribution of gas or of any materials or substance whether solid liquid or gaseous Power to hold licences.

A.D. 1904; — employed in or resulting from or otherwise connected with the manufacture production conversion utilisation or distribution of gas.

Gas consumers to give notice to Council before removing.

49. Twenty-four hours' notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on or contained in every demand note for gas rent payable to the Council.

Notice to discontinue supply of gas.

50. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Period of error in defective meters.

51. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Council.

Power to utilise pipes for ancillary purposes.

52. The Council may lay down place repair alter remove and renew mains pipes and culverts within the gas limits for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains pipes and culverts.

53. Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and in default of his so using or keeping in proper repair such anti-fluctuator the Council may cease to supply gas to such consumer. The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

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—
Anti-fluctua-
tors for gas
engines.

54. The Council may contract with any local authority company or persons beyond the gas limits (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Council may
contract
with local
authority for
supply in
bulk.

PART IV.

LANDS.

55. Subject to the provisions and for the purposes of this Act or in connection therewith the Council may enter upon take and use all or any of the lands described in the deposited plans and book of reference.

Power to
acquire
lands.

56.—(1) The Council may by agreement purchase take and hold any lands and hereditaments not exceeding in the whole twenty acres which the Council may require for the purposes of this Act or their gas water or other undertakings and the Council with the consent of the Local Government Board and subject to such conditions as the Board may prescribe may appropriate and use for any such purpose or for any purpose of the Public Health Acts any lands or property for the time being vested in them which are not wanted for the purpose for which such lands or property were originally acquired but the Council shall not sink wells or pump water on any such lands (to be used for the purpose of public water supply) and nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands nor shall any such

Power to
purchase
lands by
agreement
and to ap-
propriate
lands.

A.D. 1904. lands be used for the purpose of manufacturing or storing gas or residual products.

(2) The consideration for such purchase may be either money or land or a mixed consideration of money and land.

Council may acquire easements only in certain lands.

57. The Council may in lieu of acquiring any lands for the purpose of laying any conduits or pipes underground under the authority of this Act acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Council for the purpose of laying any conduit or pipe underground the Council shall not (unless they purchase such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Council.

Persons under disability may grant easements &c.

58. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 and privileges as aforesaid respectively.

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59. The powers of the Council for the compulsory purchase of lands under the powers of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

60. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to retain sell &c. lands.

61. The Council on selling any lands acquired for or in connection with their water undertaking and not required for that purpose may reserve to themselves all or any part of the 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 and otherwise as they may think fit.

Reservation of water rights on sale.

62. The Council shall apply all moneys received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised to be acquired or by way of fine or premium on any lease of any such lands 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 Council Provided that such proceeds when used to pay off the borrowed moneys shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application of moneys from sale &c. of lands.

A.D. 1904.

Dwelling-
houses for
workmen.

63. The Council may upon any lands for the time being acquired by or leased to them for the purposes of their water or gas undertakings erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Council in connection with such undertakings respectively.

PART V.

STREETS BUILDINGS AND SEWERS.

As to plans
deposited
with Council.

64. The Council may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with them in pursuance of any enactment for the time being in force or any byelaw thereunder.

Approval of
plan to be
void after
certain in-
tervals.

65.—(1) The approval by the Council of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say):—

As to plans or sections approved after the passing of this Act within two years from the date of such approval;

As to plans or sections 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 and deposit and approval shall unless the Council otherwise determine be requisite.

(2) The Council shall give notice of the provisions of this section to every person intending to lay out a new street or erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

Intersecting
streets.

66. No new street shall be laid out so as to be more than one hundred and thirty yards in length without an intersecting street Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

No buildings
allowed until
street de-
fined.

67. No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of

the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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68.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on the plan to be signed by 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 Council 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 or road than such line.

Council may define future line of existing streets.

(2) The Council may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street or road and the same when purchased shall vest in the Council as part of the street or road.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land full compensation for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be

A.D. 1904. — fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to vary position or direction of new streets.

69. When the plans of any new street are submitted to the Council for approval the Council may vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Council may declare where streets begin and end.

70. The Council may by resolution declare the point or limits at or within which any street is to be taken as beginning or ending.

Continuation of existing streets to be deemed new streets.

71. 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.

Crossings for horses or vehicles over footways.

72. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their 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 gradient of necessary works and shall execute the works at his own expense under the supervision and to the satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footway;

Provided that nothing in this section shall be deemed to apply to the temporary crossing of footpaths during building operations if means satisfactory to the Council be taken to protect such footpaths from injury and for the convenience of foot passengers. A.D. 1904.

73. It shall not be lawful for any person without the consent of the Council in writing first obtained (which consent shall not be unreasonably withheld) to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Council and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily.

Deposit of building materials or excavations not to be placed without consent.

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

Removal of materials in streets.

75. If the footway of any street belonging to or under the management of the Council be injured by or in consequence of any excavations or other works on lands adjoining thereto the Council may repair the footway injured or replace the same in the same condition as it was in prior to the injury being done and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Council by the owner of the

Recovery of damages caused to footways by excavations.

A.D. 1904.

lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

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

76. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of six weeks after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Height of buildings.

77. No new building shall without the approval of the Council be erected on the site of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance Provided that the approval of the Council shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of any building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge In case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves Provided that where

any new building shall front to two or more streets the height of such new building shall be determined according to the width of the widest of such streets. A.D. 1904.

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

(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house corn-mill foundry or building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height;

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

79. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Act 1875) shall with respect to the district extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Council may determine to be dangerous or an obstruction to the safe or convenient use of any street. Projections over streets.

80. From and after the passing of this Act—

The conversion into a dwelling-house or part of a dwelling-house of any building or part of a building not originally constructed for human habitation;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

What to be deemed new buildings.

A.D. 1904.

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

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

The roofing or covering of any open space between walls or buildings ;

shall for all the purposes of this Act and of the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a " new building."

As to temporary and movable buildings.

81.--(1) Before any person erects or sets up any temporary or movable building he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Council shall within six weeks after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Council may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of six weeks without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Council may cause such building to be pulled

down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section :—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district in respect to new buildings and any tent not remaining for more than seven days ;

(B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion ; and

(c) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light.

82. Where a temporary or other building referred to in the last preceding section is taken down or removed by the Council under the powers of this Part of this Act the Council may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance thereof to the owner of such building.

Power to
sell materials
of temporary
buildings.

83. Where under the provisions of the Public Health Acts or this Act the Council have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively and the Council may if such separate sewers have been provided from time to time by resolution declare that any

Separate
sewers.

A.D. 1904.

sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply.

Council may
require en-
larged sewer.

84. If in any new street the Council for the purpose of main drainage or otherwise shall require a larger sewer or drain to be made than they consider necessary for the ordinary sewerage or drainage of such new street the person laying out such new street shall construct such enlarged sewer or drain in accordance with the requirement of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Trees or
shrubs over-
hanging
streets and
footpaths.

85. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

Council may
take pro-
ceedings for
preventing
obstructions
in water-
courses.

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

87.—(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs danger exists to passengers or vehicles in such street the Council may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs.

A.D. 1904.

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As to urgent
repairs to pri-
vate streets.

(2) If within such reasonable time as the Council may in such notice have specified such repairs are not executed the Council may execute the same and may recover the cost of so doing from the owner or owners in default or if there be more than one owner in proportion to the frontage summarily as a civil debt.

(3) If the Council are unable to discover the name or abode of any owner the Council may execute such repairs without having served upon him any notice.

88. If any yard or open space in connection with any dwelling-house erected before the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains the Council may give to the owner of such house notice in writing requiring him within fourteen days after such notice shall have been so given to proceed to form and to flag asphalt or pave such yard or open space for at least one hundred and fifty square feet where practicable immediately adjoining the offices of such house so as to allow of the surface water being carried off to the drains and within twenty-eight days after such notice shall have been so given to complete such several works and if such owner shall make default in complying with any of such requirements within the respective times aforesaid the Council may execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Council by such owner and shall be recoverable summarily as a civil debt.

Yards to be
paved.

89. Whenever any person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Council be well and sufficiently fenced off from the footpath or street and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Forecourts
to be fenced
off from
streets.

A.D. 1904.

Byelaws as
to building
materials.

90. The Council may make byelaws with respect to the materials with which new buildings shall be constructed and with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

Exemption
for railway
property.

91. Nothing contained in this Part of this Act or in any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway company or the owners of any canal or navigation and used by such company or owners as a part of or in connection with their railway canal or navigation.

PART VI.

ADVERTISEMENTS AND SKY SIGNS.

Hoardings
and other
structures
used for
advertising
purposes.

92.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect any such hoarding or similar structure to be used either wholly or partly for advertising purposes to a greater height than twelve feet above the level of such street in or abutting on or adjoining any street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Council may determine.

(3) The owner or other person using any hoarding wall or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any paper affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such paper.

(4) Any consent or condition given or made under this section may be under the hand of the clerk or surveyor.

Restriction
on advertis-
ing vehicles.

93. It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit.

94. Any person who acts in contravention of any of the provisions of the two preceding sections or of the terms and conditions (if any) attached to such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Any person aggrieved by the refusal of the Council to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction held for the district after the expiration of two clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he give twenty-four hours' notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they think fit and to award costs such costs to be recoverable summarily as a civil debt.

A.D. 1904.
Penalties
and appeal
under two
last pre-
ceding sec-
tions.

95.—(1) It shall not be lawful to erect or fix to upon or in connection with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed:

Regulations
as to sky
signs.

Provided that in any of the following cases a licence of the Council under this subsection shall become void namely:—

- (i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;
- (ii) If any change be made in the sky sign or any part thereof;
- (iii) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof; or
- (v) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

A.D. 1904.

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequences as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART VII.

SANITARY PROVISIONS.

Power to require water-closets for new buildings.

96.—(1) The Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such new building shall be provided with proper and sufficient water-closets.

(2) The Council may on the erection of any new building when a sewer and water supply sufficient for a water-closet are not reasonably available require one or more proper and sufficient earth-closets to be provided at or in connection with such building.

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

Conversion of existing closet accommodation into water-closets.

97.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may by written notice to the owner of any building require any existing closet accommodation (other than a water-closet) provided at or in connection with such building to be altered so as to be converted into a water-closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing: A.D. 1904.

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health then the Council shall bear and pay such sum towards the expenses incurred by them (not less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expenses.

(4) The notice under the provisions of this section shall state the effect of the provisions of this section.

98.—(1) Where any person deems himself aggrieved by any requirements of the Council under the two last preceding sections or disputes the reasonableness of the expenses charged to him by the Council under such sections such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties: Appeal
under two
last preced-
ing sections.

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(2) Pending the decision of the court upon such appeal the Council shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

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Work done
on two or
more pro-
perties.

99. Where under the provisions of this Part of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Part of this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

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

100. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or water-closet. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provisions as
to filling up
cesspools.

101. If it shall appear to the Council by the report of the medical officer surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well disused well or underground cistern belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Council may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit well or cistern to be filled up or removed and any drain communicating with such cesspool or receptacle to be effectually disconnected destroyed and taken away or to cause such cesspool receptacle ashpit well or cistern to be so altered as to remove any such objection as aforesaid. If default is made in complying with the requisitions of a notice under this section the Council may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default summarily as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

Regulation
dustbins.

102. The Council may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron dustbins in lieu of ashpits and such bins shall be of such size and

construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Provided that this section shall not apply to any bins or ashpits in use at the commencement of this Act so long as the same are of suitable size and construction and in proper order and condition.

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103. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provisions as to houses without proper water supply.

104.—(1) On complaint made on oath by the surveyor the medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to him to inspect any drain closet or cesspool or any water-supply sink trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for the purpose of ascertaining the course of any such work the surveyor medical officer or inspector of nuisances as the case may be at reasonable times in the day-time after not less than twenty-four hours' notice in writing has been given to the occupier of the premises to which such drain closet or cesspool water-supply sink trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises may enter and cause the ground to be opened wherever the surveyor medical officer or inspector of nuisances thinks fit doing as little damage as may be.

Inspection of drains.

(2) If any person obstruct or attempt to obstruct or incite any person to obstruct the surveyor medical officer or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(3) If any such drain closet or cesspool water-supply sink trap syphon pipe or other work or apparatus be found on inspection to be properly made in accordance with the Acts and byelaws in force within the district and in proper order and condition the Council shall cause the same to be reinstated and made good as soon as

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may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(4) If any such drain closet or cesspool water-supply sink trap syphon pipe or other work or apparatus be found on inspection not to have been properly made as aforesaid or to be in bad order and condition and to require cleansing alteration or amendment or to be filled up the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition.

(5) If such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council if they think fit in lieu of proceeding for a penalty may enter upon the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(6) For the purposes of this section the word "drain" includes any sewer which is not vested in the Council.

Improper
construction
or repair of
water-closet
or drain.

105. If a water-closet or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a fine not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

Reconstruc-
tion of
drains.

106. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the

byelaws relating to the drainage of new buildings Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

A.D. 1904.

107. If any person cause any drain water-closet earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water-supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water-supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Wilful
damage to
drains.

108. If it appear to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains for such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and if constructed by the Council may be recovered by the Council from such owners or occupiers in a summary manner before a court of summary jurisdiction Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council.

Council may
order houses
to be drained
by a com-
bined opera-
tion.

109. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Council shall be made to communicate with any sewer of the Council the Council may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer.

Council may
require old
drains to be
laid open for
examination
by surveyor
before com-
municating
with sewers.

A.D. 1904.
Public conveniences and lavatories.

110. The powers of the Council under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences and lavatories in or under any street repairable by the inhabitants at large for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any such sanitary convenience (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Urinals to be attached to refreshment rooms.

111. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises for the use of persons frequenting the same a reasonably sufficient urinal or urinals to the satisfaction of the Council Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings Provided that a refreshment room belonging to a railway company shall not be deemed to be an inn public-house beer-house eating-house or other place of public entertainment within the meaning of this section.

Council may require removal or alteration of urinals.

112. If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove such urinal or convenience Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Ejection of steam or gas not to be an annoyance to the public.

113. All steam or gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected

and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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114. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established newly but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Defining the establishing of a new business.

PART VIII.

INFECTIOUS DISEASE.

115. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the district or pick fruit intended for consumption within the district or engage in any trade or business connected with food intended for consumption within the district or carry on any trade or business in such a manner as to be likely to spread infectious disease within the district and if he does he shall be liable to a penalty not exceeding twenty shillings.

Prohibition on infected person carrying on business.

116. It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a fine not exceeding forty shillings.

Prohibiting conveyance of infected persons in public vehicle.

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Driver of
infected per-
son to give
notice.

117. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle to be disinfected and if he fails so to do he shall be liable to a fine not exceeding five pounds and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to cover any loss and expense incurred by him in connection with such disinfection. It shall be the duty of the Council when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

Protection
against in-
fection of
books in
lending
libraries.

118. No person shall take out of any public or lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any such library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to the medical officer or to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or owner or destroyed and if destroyed the Council shall pay to the owner thereof its value. Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Council may
pay expenses
of person
in hospital.

119. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Council may themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.

Compensa-
tion to dairy-
men.

120. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Power to
provide
nurses.

121. The Council may provide or contract with any person or persons to provide nurses for attendance upon any person

suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse so provided.

A.D. 1904.

122. If any person shall at the request of the Council or of the medical officer stop his or her employment for the purpose of preventing the spread of infectious disease within the district the Council shall make compensation to him or her for any loss he or she may sustain by reason of such stoppage.

Power to compensate persons stopping employment.

123. No person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Penalty on guardian permitting infected child to attend school.

124. The medical officer may enter any public elementary school within the district at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection. The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar. Any person who shall obstruct the medical officer in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

Power to medical officer to examine school children.

125. Whenever any scholar who attends any school within the district shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith on becoming aware of the fact send notice thereof to the medical officer and shall furnish

Principal of school to furnish list of scholars in certain cases.

A.D. 1904.

to the Council at their request a list of the scholars attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. The Council shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and at the rate of sixpence for every twenty-five scholars named therein.

Disinfection
of clothes.

126. Any person taking or sending to any public washhouse or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Council or to the satisfaction of the medical officer or of a medical practitioner and in default shall be liable to a penalty not exceeding forty shillings and the Council shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Articles of
bed and body
clothing to
be purified.

127.—(1) Where on the certificate of the medical officer it appears to the Council that any articles in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Council may cause any such articles in any such house or part thereof to be at their expense cleansed or purified or they may destroy the same.

(2) If any owner suffer any unnecessary damage the Council shall compensate him for the same and the Council shall also reasonably compensate the owner for any articles destroyed.

Persons en-
gaged in
washing or
mangling
clothes to
furnish list of
customers.

128. Whenever it shall be certified to the Council by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and any person who shall wilfully or

knowingly offend against this enactment shall for each offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1904.

129. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the Council or to the medical officer all cases of infectious disease among persons engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings. Dairymen to notify infectious disease among their servants.

130. If the medical officer shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to whom he has within such six weeks supplied milk within the district and the Council shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein and every such person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Medical officer may require dairymen to furnish list of sources of their supply of milk and of their customers.

131. The Council shall cause public notice to be given of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills or otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Council may fix. Notice of provisions of this Part of Act.

PART IX.

TUBERCULOSIS.

132. Every person who knowingly sells or suffers to be sold or used for human consumption within the district the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds. Penalty for selling milk of diseased cows.

A.D. 1904.

Penalty on
failing to iso-
late diseased
cows.

133. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the district who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Obligation to
notify cases
of tubercu-
losis.

134. Every dairyman who supplies milk within the district and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Power to
take samples
of milk.

135.—(A) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer to take within the district for examination samples of milk produced or sold or intended for sale within the district.

(B) The like powers in all respects may be exercised outside the district by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

Power to
inspect cows
and to take
samples of
milk.

136.—(A) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

(B) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within

the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the district until the order has been withdrawn by the Council.

(c) If the medical officer has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the district is likely to cause tuberculosis in persons residing within the district the powers conferred by this section may in all respects be exercised in the case of such dairy Provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(D) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(E) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Council may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the district on the council of the borough or district in which it is situate.

(F) The said order shall be forthwith withdrawn on the Council or their medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the district.

(G) If any person after any such order has been made supplies any milk within the district in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further

A.D. 1904. — penalty not exceeding forty shillings for every day during which the offence continues.

(H) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

Appeal.

137. The dairyman may appeal against an order of the Council made under the last preceding section or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situate outside the district to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court:

The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal:

The court or the Board of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Council.

Compensa-
tion to
dairyman.

138. If an order is made without due cause or if the Council unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Council full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Council to withdraw the order:

The court or the Board of Agriculture and Fisheries may determine and state whether an order the subject of appeal has been made without due cause and whether the Council have unreasonably refused to withdraw the order and whether the dairyman has been in default:

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to

the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid. A.D. 1904.

139. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Council before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise. Procedure.

140. All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and general district rate and the Council may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district. Provided that no such test shall be applied except with the previous consent of the owner of such cow. Expenses under this Part of Act.

141. This Part of this Act may be carried into execution by a committee of the Council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Council. Execution of this Part of Act by committee.

142. The Council shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Council may fix. Notice of provisions of Part IX. of this Act.

PART X.

RECREATION GROUNDS.

143. The Council may in any recreation ground belonging to them erect provide maintain furnish and equip any pavilions assembly rooms reading rooms museums baths and other buildings which may be required or convenient for the purposes of such recreation ground and the public resorting thereto and may charge Council may erect buildings.

A.D. 1904. for admission to any of such buildings or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Council shall not charge for admission to any reading room or museum on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Chairs and seats for public use.

144. The Council may place or authorise any person or persons to place seats shelters or chairs in any street recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Bands of music.

145. The Council may pay or contribute towards the payment of bands of music provided that the amount of such payments or contributions do not in any year exceed a sum equal to a rate of one penny in the pound on the assessable value of the district for the purposes of the general district rate The Council may in any park garden or pleasure ground or other place enclose an area within which such bands shall play and make regulations as to the time and place for the playing of the bands the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the bands :

Provided always that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of an absolute majority of the whole number of the Council at a meeting of the Council after seven clear days' notice of such meeting and of the intention to propose such resolution.

Power to set apart portions of recreation grounds for games.

146. The Council may set apart any portion of any recreation ground for cricket football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws with respect to the use of any portions of a recreation ground so set apart.

Power to provide apparatus for games.

147. The Council may provide apparatus for games and recreation for the use of the public frequenting any recreation ground within the district and may charge for the use thereof

and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and the payment for the use of such apparatus. A.D. 1904.

148. The Council may appoint officers for securing the observance of this Part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. Power to appoint officers.

149. All expenses incurred by the Council in the exercise of the powers of this Part of this Act shall be paid out of the district fund and any moneys received by the Council in connection with the execution of the purposes of this Part of this Act shall subject to payment of the expenses incidental to the execution of the said purposes be carried to the credit of the district fund. Expenses and application of moneys under this Part of this Act.

PART XI.

COMMON LODGING-HOUSES.

150.—(1) The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person who is appointed by him for that purpose and whose name is registered at the offices of the Council shall with the approval of the Council in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Council) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. Regulations as to common lodging-house keepers.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

151.—(1) Every common lodging-house shall be provided with sufficient and suitable sanitary conveniences having regard to the number of lodgers who may be received therein and also with proper separate sanitary conveniences for persons of each sex. Sanitary conveniences in common lodging-houses.

A.D. 1904.

(2) Where it appears to the Council on the report of their inspector of nuisances that the provisions of this section are not complied with in the case of any common lodging-house the Council may if they think fit by notice require the keeper thereof to make such alterations and additions therein as may be required to provide such sufficient suitable and proper sanitary conveniences as aforesaid.

(3) Any person who shall neglect or refuse to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Registration
of common
lodging-
houses and
keepers.

152.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house or of the keeper of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Council on or previous to the fifteenth day of May in every year.

(2)—(A) The Council may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register or to re-register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position :

(B) Any person aggrieved by such refusal may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as they may think fit and to award costs.

(3) Every person who without being registered in accordance with the Public Health Act 1875 and this Act shall keep a common lodging-house within the district and every person who after the thirty-first day of December one thousand nine hundred and four shall keep a common lodging-house without the registration of such person and of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Notice to
common
lodging-
house
keepers.

153. Notice of the provisions of this Part of this Act shall be served upon the keeper of every common lodging-house within the district either personally or by leaving the same at the common lodging-house.

PART XII.

A.D. 1904.

PUBLIC VEHICLES.

154. Any person appointed by the Council in writing may examine all hackney carriages and other public vehicles plying for hire within the district and shall see that the laws and bye-laws relating to such public vehicles are duly observed. If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Powers of inspectors of public vehicles.

155. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Council with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the district conveying passengers to or from any railway station within the district as if such railway station were a public stand for public vehicles. Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

As to public vehicles plying at railway stations.

156. An occasional licence for a public vehicle may be granted by the Council to be in force for such day or days or other period less than one year as may be specified in the licence.

Occasional licences may be granted.

PART XIII.

POLICE.

157. The recreation grounds within the district and any unfenced ground adjoining or abutting on any street shall be deemed streets for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

Recreation grounds and unfenced ground to be deemed streets for certain purposes.

Every person who suffers to be at large any unmuzzled ferocious dog or sets on or urges any dog or other animal to attack worry or put in fear any person or animal;

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle;

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution;

Every person who wilfully and indecently exposes his person;

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Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language ;

Every person who wantonly discharges any firearm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework ;

Every person who throws or lays any dirt litter or ashes or night-soil or any carrion fish offal or rubbish on any street.

Reckless driving.

158. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty not exceeding forty shillings and may be arrested without warrant by any constable who witnesses the offence.

As to leading or driving cattle.

159. The Council may prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the district Provided that the route which it shall be lawful for the Council so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the district or any place beyond the boundary of the district when such animals are merely passing between such market and railway station or other place as aforesaid and the Council shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals Provided also that any such directions shall only operate between the hours of eight in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to his own premises and nothing in this enactment contained shall authorise the Council to interfere with the driving of any animals to any duly licensed slaughterhouse.

PART XIV.

FIRE BRIGADE.

Power to police constable &c. to enter and break open premises in case of fire.

160. Any police constable acting under the orders of his superior officer and any member of the fire brigade of the Council being on duty and any officer of the Council may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or any building or land adjoining or near thereto without the consent of the owner or occupier

thereof respectively and may do all such acts and things as they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

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161.—(1) The captain or superintendent of the fire brigade of the Council 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 within the district (other than a fire upon the undertaking of the North Eastern Railway Company) 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 Council or any other fire brigade including the fixing of the positions of 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.

Captain of
fire brigade
or other
officer to
have control
of operations.

(2) The officer in charge of the police at any fire within the district shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

PART XV.

LOCAL RATES.

162.—(1) Upon an order being made by the Local Government Board under section 33 of the Local Government Act 1894 empowering the Council to appoint assistant overseers and from and after the passing of a resolution in that behalf by the Council the powers and duties of any assistant overseer or collector of poor rates for the parish of Selby and the power of the vestry or guardians of the Selby Union and of any and every other authority to appoint assistant overseers or collectors of poor rates in respect of the said parish shall cease.

Collection of
local rates.

(2) The Council shall as from the date of the passing of such resolution take into their service or employment and shall appoint as assistant overseer any person who on the twenty-second day of June one thousand nine hundred and four held the office of

A.D. 1904. collector of the poor rates for the parish of Selby Provided that such person is at the date of the passing of such resolution in the occupation of that office and shall consent to be so taken over and such collector if so consenting shall hold office under the Council by the same tenure and on the same terms and conditions with respect to salary pension and in every other respect as nearly as may be as those upon which he held the said office of collector of poor rates on the said twenty-second day of June but subject to the terms of any agreement between such person and the Council and such person shall not be liable to be removed from his office under the Council without the consent of the Local Government Board.

(3) Any assistant overseer of or for the said parish of Selby who was in office before the passing of the resolution referred to in the preceding sub-section of this section and for whom no equivalent office shall be found by the Council and any collector of poor rates for the said parish who shall not consent to be taken over by the Council as aforesaid and shall not be entitled to a pension or superannuation allowance shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall with the necessary modifications and with the substitution of the "Local Government Board" for the "Treasury" and the "Council" for the "County Council" apply accordingly Provided that the non-acceptance of any office offered shall not be a bar to the right of any assistant overseers to compensation and any compensation payable by the Council under this subsection shall be paid out of the district fund.

(4) The Poor Law Officers' Superannuation Act 1896 shall apply to any of the collectors of poor rates taken over by the Council as aforesaid and to the Council in relation to him as nearly as may be as if the Council were the guardians of the Selby Union and the district fund were the common fund of that Union.

Form of rate
and recovery
of poor
general dis-
trict and
other rates.

163. The Local Government Board may on the application of the Council prescribe amend and vary a form of rate to include the poor rate general district rate or other rates leviable by the Council or the overseers of the parish of Selby and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents and any form so prescribed shall be sufficient in law.

164. The Council may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Selby in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Council and paid out of the poor rate and other local rates and funds in such proportion as the Council shall determine.

A.D. 1904.

Assistants to
overseers.

165. All books of account minutes of proceedings deeds papers and writings belonging to the parish of Selby now in the custody of the overseers or assistant overseers shall be deposited in the town hall at Selby and be there kept and preserved by the clerk and the ratepayers shall at all times have the same right of inspection and making extracts from such books and minutes as they would have had if the same had remained in the custody of the overseers or assistant overseers.

Custody of
books.

PART XVI.

FINANCIAL PROVISIONS.

166.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

Power to
Council to
borrow.

(A) For the purchase of land for and the construction of waterworks the sum of thirty thousand pounds ;

(B) For paying the taxed costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose ;

and with the approval of the Local Government Board such moneys as the Council may require for gasworks purposes and for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and the general district rate and in the case of moneys borrowed for the purpose marked (A) in this section the revenue of their water undertaking in addition and in the case of moneys borrowed for gasworks purposes the revenue of their gas undertaking in addition.

167. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way

Mode of
raising
money.

A.D. 1904. and partly in another Provided that the section of this Act the marginal note of which is "Regulations as to sinking fund" shall apply to any money so raised under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

168. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act and any moneys already borrowed by them for the purposes of their water undertaking shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

169. The following sections of the Public Health Act 1875 (that is to say) :—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases);

shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act.

Periods for payment off of money borrowed.

170. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act whereof the marginal note is "Power to Council to borrow" within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (B) mentioned in the said section within five years from the passing of this Act;

As to moneys borrowed with the sanction of the Local Government Board within such period as they may think fit to sanction.

Mode of payment off of money borrowed.

171. The Council shall pay off all moneys borrowed by them under the powers of this Act on mortgage either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

Regulations as to sinking fund.

172. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys for the repayment of which the sinking fund is provided within the prescribed period; A.D. 1904.

The rate of accumulation on which the amounts paid to the sinking fund are based is hereinafter referred to as "the prescribed rate":

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 statutory securities the Council being at liberty from time to time to vary and transpose such investments Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund;

(B) The Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the moneys for the repayment of which it 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 moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the moneys then outstanding

A.D. 1904.

for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payments to the sinking fund of the yearly sums required to be paid thereto.

Return to
Local Go-
vernment
Board as to
repayment
of debt.

173.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder or in regard to the water undertaking of the Council under the Public Health Acts or otherwise and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has 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 his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this or any other Act or by the Local Govern-

ment Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

174. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed.

Saving for existing charges.

175. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application of borrowed moneys.

176. The Council may except as hereinafter provided re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow. Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose. Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Power to re-borrow.

177. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection of lender from inquiry.

A.D. 1904.

Council not
to regard
trusts.

178. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Scheme for
fixing
equated
periods for
repayment of
loans.

179. The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted or about to be contracted by them under statutory borrowing powers (including the loans authorised by this Act) shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto :

No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme except with the consent of such mortgagee :

The Council may with the sanction of the Local Government Board borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto :

Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

180. The Council shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

- First In payment of the working and establishment expenses and cost of maintenance of their water undertaking;
- Secondly In payment of the interest on moneys borrowed by the Council for the purposes of their water undertaking;
- Thirdly In providing the requisite instalments appropriations or sinking fund payments in respect of moneys borrowed by the Council for the purposes of their water undertaking;
- Fourthly In extending improving and constructing (if the Council think fit) any works for the purposes of their water undertaking;
- Fifthly In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the sum of two thousand pounds:

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on improving or extending their water undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to two thousand pounds.

A.D. 1904.

Application
of gas
revenue.

181. The Council shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First In payment of the working and establishment expenses and cost of maintenance of their gas undertaking ;

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of their gas undertaking ;

Thirdly In providing the requisite instalments appropriations or sinking fund payments in respect of moneys borrowed by the Council for the purposes of their gas undertaking ;

Fourthly In extending improving and constructing (if the Council think fit) any works for the purposes of their gas undertaking ;

Fifthly In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the sum of two thousand pounds :

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on improving or extending their gas undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to two thousand pounds Provided that no part of the revenue shall be carried to the credit of the district fund

when the price of gas to private consumers exceeds four shillings per one thousand cubic feet Article XXVI. of the Order of 1891 is hereby repealed. A.D. 1904.
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182. Any deficiency in the revenue or receipts of the Council on account of their water or gas undertakings shall be made good out of the district fund and the general district rate to be made by the Council next after such deficiency has been ascertained shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund. As to deficiency in receipts.

183. The Council shall after the transfer keep the accounts in respect of their water and gas undertakings respectively separate from all their other accounts distinguishing therein capital from revenue. Separate accounts to be kept as to water and gas.

184. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts. Audit of accounts.

185. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate. Expenses of execution of Act.

PART XVII.

MISCELLANEOUS.

186.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by Local Government Board.

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

187.—(1) The Council may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to Power to grant gratuities in certain cases.

A.D. 1904 the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Penalty on occupiers refusing execution of Act.

188. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts V. and VII. of this Act or under any byelaw made under the powers of those Parts of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his 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.

General provisions as to byelaws.

189. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act.

Informations &c. by whom to be laid.

190. Save as otherwise in this Act expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Evidence of appointments.

191. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolu-

tion purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1904.

192. Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business. Authentication and service of notices &c.

193. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate licence consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may (if no other mode of appeal is provided by this Act) appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal. As to appeal

194. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties.

195. All penalties recovered by the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer and carried by him to the credit of the district fund or to such other fund as the Council direct. Penalties to be paid over to treasurer.

196. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such Compensation to be determined under Public Health Acts.

A.D. 1904. amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensation may be in land &c.

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

Saving for indictments.

198. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

For protection of West Riding Rivers Board.

199. Nothing in or done under this Act or any byelaw thereunder shall extend to interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the West Riding of Yorkshire Rivers Board.

Crown rights.

200. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

Expenses of Act.

201. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with compliance with the provisions of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of the district fund and general district rate and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

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