



## CHAPTER xxii.

An Act to authorise the urban district council of Skegness to purchase the undertaking of the Skegness Water Company and to make further and better provisions in regard to the health local government and improvement of the district and for other purposes. A.D. 1908.

[18th June 1908.]

**W**HEREAS the district of Skegness in the parts of Lindsey in the county of Lincoln (hereinafter referred to as "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Skegness Urban District Council (hereinafter referred to as "the Council"):

And whereas the Skegness Water Company (hereinafter referred to as "the company") was incorporated by the Skegness Water Act 1905 (hereinafter referred to as "the Act of 1905") and was under and by virtue of that Act authorised to construct waterworks and to supply with water the parish and urban district of Skegness and the parish of Winthorpe and the part of the parish of Croft which lies to the south-east of the Wainfleet and Skegness Branch of the Great Northern Railway except the severed portion of that part near Merrifields Farm all in the parts of Lindsey in the county of Lincoln: 5 Edw. 7. c. clxii.

And whereas by section 70 of the Act of 1905 it is enacted that if the Skegness Urban District Council (thereinafter called "the Council") shall introduce a Bill into Parliament and bonâ fide promote the same in any one of the next three available sessions of Parliament to empower them to purchase the undertaking of the company the company shall not oppose such Bill except in so far as may be necessary in order to secure the

A.D. 1908. insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit and if in either of such sessions the Council obtain an Act authorising such purchase or be otherwise authorised to make such purchase and within six months after the expiration of a period of three years from the passing of the said Act give a written notice of their intention to purchase the company shall sell and transfer and the Council shall purchase and acquire the undertaking property rights powers and privileges of the company free from all liabilities of the undertaking upon the terms and conditions particularly set forth in the said section 70 of the Act of 1905 :

And whereas it is expedient that the Council should be empowered to purchase the undertaking of the company in accordance with the provisions of section 70 of the Act of 1905 and this Act and that the powers in this Act granted with reference to such purchase should be conferred upon the Council :

And whereas it is expedient that further powers should be conferred upon the Council with reference to the streets buildings sewers and sanitary matters and that further provision should be made for the health and local government and improvement of the district :

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-fifth day of July one thousand nine hundred and seven after ten clear days' notice by advertisement of such meeting and of the purposes thereof in the *Skegness Herald* a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas the said resolution was published twice in the said *Skegness Herald* and has received the approval of the Local Government Board :



And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the first day of January one thousand nine hundred and eight being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1908.

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

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 as the Skegness Urban District Council Act 1908. Short title.

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

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Streets Buildings &c.
- Part IV.—Sanitary Provisions.
- Part V.—Infectious Diseases.
- Part VI.—Ice Cream.
- Part VII.—Hackney Carriages and Licences.
- Part VIII.—Finance.
- Part IX.—Miscellaneous.

Division of  
Act into  
Parts.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to

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be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

- (2) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable for the purposes and not inconsistent with the provisions of this Act.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

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

“The district” means the urban district of Skegness ;

“The clerk” “the surveyor” “the medical officer” and “the inspector of nuisances” mean respectively the clerk or clerks the surveyor to the Council and the medical officer of health and the inspector of nuisances of the district and respectively include any person duly authorised to discharge temporarily the duties of those officers ;

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

“The company” means the Skegness Water Company ;

“The Act of 1905” means the Skegness Water Act 1905 ;

“The undertaking” means the waterworks and undertaking as defined by the Act of 1905 or vested in the company by or in pursuance of that Act and includes all the waterworks engines mains pipes and machinery lands and buildings plant fixed and moveable stock in trade coal and other stores and all other the real and personal property assets and effects of whatever nature or kind soever and all the rights powers, and privileges vested in or belonging to or had or enjoyed by the company at the date of the transfer of the undertaking of the company to the Council except stock in trade coal and other stores purchased out of revenue and except cash in hand and at bankers securities for money and debts due to the company ;



“Infectious disease” means and includes any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district; A.D. 1908.

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

“Statutory security” 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 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 annuities rentcharges or securities transferable by delivery or any securities of the Council.

## PART II.

### WATER.

5. The limits of this Act for the supply of water by the Council shall be the district and the parish of Winthorpe and the part of the parish of Croft which lies to the south-east of the Wainfleet and Skegness Branch of the Great Northern Railway except the severed portion of that part near Merrifields Farm all in the parts of Lindsey in the county of Lincoln Provided that until the transfer of the undertaking of the company to the Council nothing in this Act shall authorise the Council to supply water within any part of the said limits. Limits of Act.

6. If within six months from the fourth day of August one thousand nine hundred and eight the Council give to the company notice in writing of the intention of the Council to purchase the undertaking the company shall sell and the Council shall purchase the undertaking subject to and in accordance with the provisions of section 70 of the Act of 1905. Company to sell their undertaking to Council.

7. The receipt in writing of two directors of the company for any money paid to the company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain Receipt for purchase money.

A.D. 1908. — such receipt they may pay the money to Messieurs Child and Company bankers Fleet Street London for the credit of the company and a receipt given to the Council by Messieurs Child and Company for the money shall have the same effect as the receipt of such two directors.

Transfer of undertaking.

**8.**—(1) On payment by the Council to the company or to Messieurs Child and Company as aforesaid of a sum equal to the amount of all moneys payable to the company by the Council under the provisions of section 70 of the Act of 1905 and of this Act (which payment shall be made on one of the usual quarter days) the undertaking with all the rights powers and privileges of the company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject to the provisions of this Act free from all the then existing mortgage debts and other obligations and liabilities of the company or charged or chargeable upon the undertaking and such transfer and vesting is in this Act referred to as “the transfer.”

(2) The production of a King’s Printer’s copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by two directors of the company or by Messieurs Child and Company as aforesaid as the case may be shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the company.

Company to discharge all debts &c. incurred to date of transfer.

**9.** The company shall pay and discharge all mortgage debts and other debts obligations and liabilities made or incurred by or chargeable against the company or the undertaking up to the date of the transfer and as from the last-mentioned date the undertaking shall be held by and vested in the Council absolutely freed and discharged from all such mortgage debts and other debts obligations and liabilities and from and against all actions arbitrations or proceedings costs charges and expenses in respect thereof and this Act may be pleaded by the Council in bar to any action or proceeding that may be taken against the Council and to any proceeding that may be enforceable against the undertaking in respect of any mortgage debts or other debts obligations or liabilities made or incurred by or chargeable against the company or the undertaking prior to the transfer but nothing in this Act contained shall relieve the company from full liability in respect of all such mortgage debts and other debts obligations and liabilities.



**10.** All agreements contracts conveyances deeds and other instruments (other than agreements contracts deeds or instruments relating to any such debts obligations or liabilities as are referred to in the last preceding section) affecting the company and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the company the Council had been a party thereto.

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Contracts of company to be binding on Council.

**11.**—(1) On the date of the transfer the company shall subject to the provisions of this Act be wound up in the same manner and with the same incidents as if the company were a company registered under the Companies Acts 1862 to 1907 and had on the date of the transfer duly passed a special resolution requiring the company to be wound up voluntarily and for the purposes of such winding up the company shall from and after the passing of this Act be deemed to be registered in England under the said Acts and for the purpose of calling and holding meetings and passing resolutions and other matters incident to such winding up resolutions of meetings of the company convened and held in pursuance of and in accordance with the provisions contained in the Act of 1905 may and shall take effect as resolutions of a company duly registered and all moneys paid by the Council to the company shall be applied by the liquidator as part of the assets of the company Provided that the remuneration of the liquidator payable by the Council shall be the fixed sum of one hundred and fifty pounds exclusive of reasonable expenses.

Winding up and dissolution of company.

(2) On the completion of the winding up of the affairs of the company in accordance with the provisions of this Act the company shall by virtue of this Act be dissolved.

**12.** In the event of the Council giving to the company notice in writing of the intention of the Council to purchase the undertaking in accordance with the provisions of this Act the undertaking shall nevertheless continue to be maintained and carried on by the company as in the ordinary course of business until the transfer but the Council shall not under the section of this Act of which the marginal note is "Contracts of company to be binding on Council" be bound by any contract agreement or obligation made or entered into by the company after the giving of such notice as aforesaid except any contract agreement or obligation which shall be made or entered into (A) in the ordinary course of the maintenance of the works and the proper

Maintenance of undertaking by company till transfer.



A.D. 1908: — conduct of the undertaking or (B) with the previous consent of the Council under the hand of the clerk of the Council.

Company to pay outgoings and to be entitled to all receipts till transfer.

**13.** The company shall pay all rates taxes assessments charges impositions outgoings and liabilities of every kind properly chargeable to revenue up to the date of the transfer including liabilities in respect of causes of action then existing and shall be entitled to all water rates rents and other receipts on revenue account from the undertaking up to that date and where necessary for the purpose of giving effect to this enactment such rates taxes assessments charges impositions outgoings liabilities water rates rents and receipts shall be apportioned between the company and the Council.

Books &c. to remain evidence.

**14.** All books deeds and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall from and after the transfer and subject to the provisions of this Act be admitted in evidence in respect of the same or the like matter for or against the Council.

Repeal of Act of 1905 with certain savings.

**15.** The Act of 1905 shall as from the transfer be repealed except the sections of the Act set forth in the schedule to this Act which sections shall apply and have effect as if the Council had been therein named instead of the company and shall so far as applicable extend and apply as well to any works which may be executed by the Council under the provisions of this Act as to the works authorised by the Act of 1905 Provided that in the application of section 43 of the Act of 1905 the words "nor for any less period than twelve months" shall as from the date of transfer be omitted and the same are as from such date hereby repealed.

Byelaws for preventing waste &c. of water.

**16.—(1)** From and after the transfer the Council may make byelaws for the purpose of preventing the waste undue consumption 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 pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.



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(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. • A.D. 1908.

(3) Such byelaws shall not be confirmed until after the expiration of two months after notice in writing to submit the same for confirmation together with a copy of the proposed byelaws shall have been given by the Council to the local authorities within the limits of this Act who may within the said period of two months make such representations to the Local Government Board as they see fit.

(4) 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 water fittings 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 may be recovered by the Council as the water rates in respect of the premises are recoverable.

**17.** From and after the transfer and subject to the powers of the Council to make byelaws under the section of this Act whereof the marginal note is "Byelaws for preventing waste &c. of water" all byelaws made by the company and in force at the date of the transfer shall continue and may be enforced by the Council as if the same had been originally made by the Council under statutory authority save that the clerk to the Council shall be substituted for the secretary to the company wherever the latter is named in any such byelaws.

Byelaws to continue in force.

**18.** If at any time after the expiration of five years from the date of the transfer the Council are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of this Act the local authority of such district may provide a supply in the whole or any part of their district within the limits of this Act in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Council as if in either case this Act had not been passed.

Power to local authority &c. to supply water in case Council fails to supply.

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If any difference shall arise between the Council and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Local Government Board.

Temporary discharge of water into streams.

**19.**—(1) From and after the transfer and for the purpose of executing constructing repairing cleansing emptying or examining any well conduit or line of pipes or other works of the Council the Council may subject to any rights vested in the Commissioners of Sewers for the county of Lincoln cause the water in any such well conduit pipes or works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of such compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Dwelling houses for persons in Council's employ.

**20.** From and after the transfer the Council may purchase or take on lease houses cottages and buildings for persons in their employ and offices and other buildings for the purposes of their water undertaking and may erect maintain and let any such buildings upon any lands for the time being belonging to or leased by the Council for the purposes of the undertaking.

Discounts.

**21.** The Council may if they think fit after the transfer allow discounts or rebates on the amounts due in respect of water rates rents and charges in consideration of prompt payment of such rates rents and charges or of large consumption upon such scale and subject to such conditions and regulations as the Council may prescribe Provided that notice of the effect of this enactment be endorsed on every demand note in respect of such rates rents and charges and that such discounts or rebates shall be of equal amount under like circumstances to all consumers of water and shall not exceed in the case of discounts for prompt payment five per centum and in the case of discounts for consumption exceeding such amount as the Council may by resolution determine ten per centum Provided that no such discounts shall be allowed directly or indirectly in favour of or against any particular consumer.



**22.** From and after the transfer and subject to the provisions of sections 28 and 30 to 34 of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footpaths thoroughfares tramways and gas or water pipes.

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Detection of  
waste.

### PART III.

#### STREETS BUILDINGS &C.

**23.** 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 twenty pounds and to a daily penalty not exceeding forty shillings.

No buildings  
allowed until  
streets  
formed.

**24.**—(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 sufficient 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 at all reasonable times thereafter be 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  
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

A.D. 1908. street or road and the amount of the purchase money shall in the case of difference be settled by arbitration under the Arbitration Act 1889.

(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 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.

Continuation of existing streets to be deemed new streets.

**25.** 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.

Trees or shrubs overhanging streets.

**26.** Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp the Council may serve a notice on the owner of the tree hedge or shrub or upon the occupier of the premises on which such tree hedge or shrub is growing requiring him within one month 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.

Erection of buildings to greater height than adjoining buildings.

**27.** In case any building is after the passing of this Act erected or raised to a greater height than the adjoining building or buildings and any flues or chimneys of such adjoining building or buildings are in the outer or party wall or against the building so erected or raised the person erecting or raising



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such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised. Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding twenty shillings.

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**28.**—(1) All buildings or parts of buildings which may in future be erected on the site of any building or 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 or wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with the plan approved by the Council and in case the Council for the space of one month 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.

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

(2) Any person who shall offend against the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) 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.

**29.** Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hydropathic establishment boarding house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council have issued a certificate that the provisions of this section have been complied with in relation thereto.

Means of escape from buildings in case of fire.

Nothing in this section contained shall be deemed to interfere with the operations of sections 14 and 15 of the

A.D. 1908. Factory and Workshop Act 1901 or of any Acts amending the same.

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.

Exemption  
for railway  
property.

**30.** Nothing contained in this Part of this Act shall apply to any building (not being a dwelling-house) or to any street upon or within any land or property belonging to any railway company and used by such company as a part of or in connection with their railway.

#### PART IV.

##### SANITARY PROVISIONS.

Improper  
construction  
or repair of  
watercloset  
or drain.

**31.** If a watercloset 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 penalty 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.

Wilful dam-  
age to drains  
waterclosets  
&c.

**32.** If any person cause any drain watercloset earthcloset 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.



**33.** If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a 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 of 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 summarily as a civil debt Provided that the Council shall not exercise the powers conferred by this section in respect of any houses plans for the drainage of which shall have been previously approved by the Council.

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Council may order houses &c. to be drained by a combined operation.

**34.** 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 and regulations 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.

Reconstruction of drains.

**35.**—(1) The Council may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface water sewer").

Provision as to separate system of sewerage.

(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly.

(3)—(A) Where in any street separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface water sewers and so far as practicable no surface or storm water shall be allowed to pass

A.D. 1908. into the sewage sewers except with the consent in writing of the Council.

(B) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers 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 premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Council may if they think fit make all such alterations.

Council may require enlarged sewer.

**36.** 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 requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

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

**37.** If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Regulation dustbins and tubs for ash-pits.

**38.** The owner of every dwelling house warehouse or shop may be required by the Council to provide galvanised iron dustbins or tubs in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins or tubs shall be of such size and construction as may be approved by the Council and any owner 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 dustbins tubs or ashpits in use



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at the passing of this Act so long as the same are of suitable size and in proper order and condition. A.D. 1908.

**39.** The powers given by section 19 (Extension of 38 and 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner. Amendment of section 19 of Public Health Acts Amendment Act 1890.

## PART V.

### INFECTIOUS DISEASES.

**40.** The Council may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious diseases temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospital or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Council. Byelaws regulating hospitals.

**41.** When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the district of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purposes) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds. Certificate required before removal by railway &c. of person dying from infectious disease.

## PART VI.

### ICE CREAM.

**42.—(1)** Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the district— For regulating manufacture and sale of ice cream &c.

(A) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to

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be manufactured sold or stored in any sleeping room or in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice cream or any similar commodity suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice cream or similar commodity or materials so destroyed.

As to dealers  
in ice cream  
&c.

**43.** Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow or stand and if he fails to comply with this enactment he shall be liable to a penalty not exceeding forty shillings.

Inspection of  
premises.

**44.**—(1) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.



**45.**—(1) Public notice of the foregoing provisions of section 41 (Certificate required before removal by railway &c. of person dying from infectious disease) in Part V. and of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

A.D. 1908.  
Public notice to be given of provisions of Part V. and this Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

## PART VII.

### HACKNEY CARRIAGES AND LICENCES.

**46.** 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 byelaws relating to such hackney carriages and public vehicles are duly observed.

Powers of inspectors of hackney carriages.

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.

**47.** 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 a year as may be specified in the licence.

Occasional licences may be granted.

**48.** 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:

As to public vehicles taken at railway station.

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 nor shall the Council have or

A.D. 1908. — exercise any authority or control over vehicles whilst on the premises of any railway company except with the consent of the railway company.

PART VIII.

FINANCE.

Power to borrow.

**49.**—(A) 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):—

(1) For the purchase of the undertaking and defraying the costs and expenses incident to such purchase and to the transfer (other than the costs of this Act but including all costs charges and expenses payable by the Council pursuant to the provisions of section 70 of the Act of 1905 and all costs charges and expenses properly incurred by the Council including surveys and reports by engineers accountants and others preliminary and incident to the purchase of the undertaking) the sum requisite for the purpose ;

(2) For paying the costs charges and expenses of this Act the sum necessary for that purpose ;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of the undertaking.

(B) 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 revenue of their water undertaking and if they think fit as a collateral security the district fund and general district rate.

Mode of raising money.

**50.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act with respect to the sinking fund to be applied for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.



**51.** 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 shall not be reckoned.

A.D. 1908.  
Certain regulations of Public Health Act as to borrowing not to apply.

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

Provisions of Public Health Act as to mortgages to apply.

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages).

**53.** 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):—

Periods for discharge of loans.

As to moneys borrowed for the purpose (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty-five years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (2) in the said section mentioned within five years from the date of the passing of this Act;

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

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

Mode of payment off of money borrowed.

**55.**—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

Sinking fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per

A.D. 1908.

annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in case of an accumulating sinking fund the interest on the investments of the sinking fund so formed shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance



[8 EDW. 7.] *Skegness Urban District Council Act, 1908.* [Ch. xxii.]

with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct. A.D. 1908.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board may approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

**56.** A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

**57.** 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 given by them may be subject but the Council not to regard trusts.

A.D. 1908. 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 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 moneys paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof.

Power to  
re-borrow.

**58.**—(1) The Council shall except as hereinafter provided have power to 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.

(2) 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 for the purpose of such repayment other than moneys borrowed for that purpose.

(3) Provided also that any moneys re-borrowed shall be deemed to form the same loan as the moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Appointment  
of receiver.

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

(2) The application for the appointment of a receiver shall be made to the High Court and the court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.



**60.**—(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 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 Act or by the Local Government 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.

A.D. 1908.  
Return to  
Local Go-  
vernment  
Board as to  
repayment of  
debt.

A.D. 1908.

Proceeds of sale of surplus lands to be treated as capital.

**61.** The proceeds of the sale of any surplus lands of the Council under the powers of this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Application of money borrowed.

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

Application of water revenue.

**63.** 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):—

Firstly In payment of the working and establishment expenses and cost of maintenance of the water undertaking;

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

Thirdly In providing the requisite appropriation instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

Fourthly In providing a reserve fund 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 three 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 three thousand pounds and so from time to time as often as such reduction happens:



And any balance remaining in any year as may in the opinion of the Council not be required for carrying on the water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to three thousand pounds shall be applied by the Council in increasing the district fund. A.D. 1908.

**64.** Any deficiency in the revenue and receipts of the Council in respect of their water undertaking shall in the absence of a reserve fund applicable to the purpose or so far as such reserve fund is not sufficient for the purpose be from time to time made good out of the district fund and the next general district rate to be made by the Council 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.

**65.** The Council shall keep a separate account of their receipts and expenditure for waterworks purposes on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and servants under this Act. Separate accounts of water undertaking to be kept.

## PART IX.

### MISCELLANEOUS.

**66.** The Council may put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Council may think fit and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as hereinbefore mentioned or foul such water shall for every such offence be liable to a penalty not exceeding forty shillings which penalty may be recovered by the Council. Public drinking fountains.

**67.** Every person who shall on Sunday in any street within the district cry or call any newspaper journal or serial or ring any bell or use any horn whistle or noisy instrument or create any noise whatsoever or howsoever for the purpose of selling any newspaper journal or serial or attract or attempt to attract the attention of any person or persons by means of any noise Street cries.

A.D. 1908. whatsoever whether vocal or otherwise for the purposes aforesaid or any of them shall for every such offence be liable to a penalty not exceeding forty shillings.

In executing works for owner Council not liable for damages save in case of negligence.

**68.** Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expense payable by such owner or occupier and shall be recoverable accordingly.

Power to grant gratuities in certain cases.

**69.**—(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 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.

(3) No such gratuity shall be granted in respect of disablement or injury for which any officer or servant of the Council is entitled to compensation under the provisions of the Workmen's Compensation Act 1906.

Informations by whom to be laid.

**70.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Council authorised in that behalf or by the clerk.

Evidence of appointments authority &c.

**71.** Where in any legal proceeding 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 a certificate of such appointment authority or resolution 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. 1908.

**72.** The provisions with respect to byelaws contained in 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. General provisions as to byelaws.

**73.** 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.

**74.**—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district 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.

**75.** 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 Part IV. of this Act or under any byelaw made under the powers of that Part 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 Penalty on occupier refusing execution of Act.

A.D. 1908. 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.

Persons acting in execution of Act not to be liable.

**76.** No matter or thing done or contract entered into by the Council and no matter or thing done by the clerk or by any member officer or clerk of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer clerk or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

Damages and charges to be settled by court.

**77.** Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Penalties to be paid to treasurer.

**78.** All penalties recoverable 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 to the Council and carried by him to the credit of the district fund or to such other fund as the Council shall direct.

Recovery of penalties.

**79.** 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 and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Compensation &c. how to be determined.

**80.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.



**81.** 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 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.

A.D. 1908.  
Saving for  
indictment.

**82.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges &c.  
not dis-  
qualified

**83.** All powers rights and remedies given to the Council by this Act (other than those given by Part II. thereof and except where otherwise expressly provided) shall be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of  
Act cumula-  
tive.

**84.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court. Provided that the amount does not exceed the amount recoverable in that court in a personal action.

Recovery of  
demands in  
county court.

**85.—(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 upon them or the giving of any consents under this Act and the inspectors of the Local Government Board 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 Go-  
vernment  
Board.

**(2)** The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to

A.D. 1908. — be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Expenses  
incurred by  
Council.

**86.** All expenses incurred by the Council in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for shall be paid out of the district fund and the general district rate.

Crown  
rights.

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

Costs of Act.

**88.** The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first place out of the district fund and general district rate but ultimately if the Council so decide out of moneys borrowed under the authority of this Act for that purpose.



SCHEDULE referred to in the foregoing Act.

A.D. 1908.

THE SECTIONS OF THE SKEGNESS WATER ACT 1905 EXEMPTED  
FROM REPEAL.

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3	Interpretation.
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27	Provision as to pumping machinery.
28	Power to make subsidiary works.
29	For protection of Postmaster-General.
30	Power to maintain and alter works and take and use springs &c.
31	Limits of deviation.
33	Period for completion of works.
34	Power to owners to grant easements &c.
35	Purchase of land by agreement.
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38	Company may lease &c. spare lands of undertaking.
39	Agreements with Postmaster-General.
40	For protection of Spilsby Rural District Council.
41	For protection of commissioners of sewers for county of Lincoln.
42	For protection of Great Northern Railway Company.
43	Rates for supply of water for domestic purposes.
44	Charge for waterclosets and baths.
45	Abandonment of existing supply.
46	Rates payable by owners of small houses.
47	Company not bound to supply several houses by one pipe.
48	Notice of discontinuance.
50	Supply by measure for other than domestic purposes.
51	Supply to houses partly used for trade &c.
52	Price of supply by measure.
53	Power to sell or let meters.
54	Company to keep certain meters in repair.
55	Repair of certain meters by consumer.
56	Register of meter to be primâ facie evidence.
57	Notice to company of connecting or disconnecting meters.
58	Power to remove meters and fittings.
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