



CHAPTER xl.

An Act to confer further powers on the Urban District Council of Ebbw Vale in regard to their water and electricity undertakings to authorise the Council to provide and run omnibuses and to make further provision for the improvement health and good government of the district and for other purposes. [2nd August 1917.] A.D. 1917.

WHEREAS the district of Ebbw Vale in the county of Monmouth is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Ebbw Vale Urban District Council which district and Council are in this Act respectively called "the district" and "the Council":

And whereas the Council are the owners of the waterworks for supplying and are supplying water within the district and certain adjoining places in pursuance of the powers in that behalf contained in the following Orders and Acts (that is to say):—

An Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875;

An Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Abergavenny &c.) Act 1880;

The Ebbw Vale Water Act 1904 (hereinafter called "the Act of 1904");

The Ebbw Vale Water Act 1913 (hereinafter called "the Act of 1913");

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And whereas the Council constructed the reservoir known as the Carno Reservoir authorised by the Act of 1904 and in pursuance of general powers contained in section 6 of the Act of 1904 drove an adit into the Llangattock Mountain for the purpose of increasing the supply of water to be obtained under the powers of the said Act:

And whereas although the said adit was driven for a greater distance than was intended and side headings were made and a boring sunk the said adit failed to yield any appreciable quantity of water:

And whereas by reason of the failure of the said adit the quantity of water obtained from the works constructed in pursuance of the powers of the Act of 1904 was inadequate to meet the future requirements of the Council and in order to provide a further supply of water the Council were by the Act of 1913 authorised to extend the said adit into the adjoining watershed and by means of such adit as so extended to take water from the Claisfer stream in the parish of Llangynidir and the Council were also authorised to construct a reservoir on such last mentioned stream to provide compensation for the water to be abstracted by the adit as so extended and which was authorised by the Act of 1913 as Aqueduct Work No. 2:

And whereas the estimates for the works constructed under the powers of the Act of 1904 were one hundred and fifteen thousand pounds but such works actually cost one hundred and fifty-eight thousand eight hundred and eighty pounds and the expenditure upon the adit has not yielded any revenue:

And whereas by reason of the circumstances before recited the revenue from the water rates and charges authorised by the Act of 1904 has been altogether insufficient to meet the annual expenditure in connexion with the water undertaking of the Council and the large deficiency in the revenue year by year has necessitated a serious charge upon the rates of the district and it is expedient that such water rates and charges should be increased as by this Act provided:

And whereas by the Ebbw Vale Electric Lighting Order 1901 (which was confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1901) the Council are empowered to supply electrical energy for public and private purposes within the district and it is expedient to make further provision in regard to their electricity undertaking:

And whereas it is expedient to authorise the Council to provide and run omnibuses within and beyond the district as in this Act provided: A.D. 1917.

And whereas it is expedient to make further and better provision in regard to streets and buildings in the district and that the powers of the Council in relation to the health local government and improvement of the district be enlarged as by this Act provided:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Ebbw Vale Urban District Council Act 1917. Short title.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Electricity.

Part IV.—Omnibuses.

Part V.—Streets and buildings.

Part VI.—Watercourses.

Part VII.—Sewers drains &c.

Part VIII.—Infectious disease and sanitary provisions.

Part IX.—Financial.

Part X.—Miscellaneous.

Division of
Act into
Parts.

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Incorporation of Lands
Clauses
Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part 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 or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The district” means the urban district of Ebbw Vale ;

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

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

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

“Omnibus” means any stage carriage moved by mechanical power (including in that expression steam electrical and every other motive power) or by animal power ;

“Food” includes every article other than water used for food or drink by man ;

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

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

“The Act of 1903” “the Act of 1904” and “the Act of 1913” mean respectively the Ebbw Vale Improvement Act 1903 the Ebbw Vale Water Act 1904 and the Ebbw Vale Water Act 1913,

PART II.

A.D. 1917.

WATER.

5. As from the first day of January one thousand nine hundred and eighteen section 24 (Rates for supply of water for domestic purposes) of the Act of 1904 is hereby repealed and from and after such date 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 the Act of 1904 or 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 per annum hereinafter specified (that is to say):—

Rates for supply of water for domestic purposes.

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

Where such annual value exceeds five pounds the rate of nine pounds per centum per annum upon such annual value.

The annual value of any such premises as aforesaid shall be the gross estimated rental at which such premises shall be assessed to the rate for the relief of the poor ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such valuation list then in force then by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the annual value of a part only of any tenement entered in the valuation list such annual value shall be a fairly apportioned part of the annual value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply of the Council 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 seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

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Amendment
of sections
26 and 30 of
Act of 1904.

6.—(1) Subsection (1) of section 26 (Supply to houses partly used for trade &c.) of the Act of 1904 shall be read and have effect as though the following words had been added at the end of the subsection (viz.) “or any hospital school or public
“ institution (other than a union workhouse) maintained in whole
“ or part by or at the expense of any authority other than the
“ Council.”

(2) Subsection (2) of the said section 26 and section 30 (Supply of water for other than domestic purposes and by measure) shall be read and have effect as though the words “two shillings” had been inserted therein instead of the words “one shilling.”

As to supply
to farm-
houses.

7. 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 annual value thereof.

Supply of
water by
hose pipe to
stables &c.

8. When water supplied for domestic purposes is used for washing carriages or motor cars or for other purposes in stables or premises where carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Detection
of waste.

9.—(1) Subject to the provisions 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 stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus but the Council shall where necessary provide reasonable access for persons bonâ fide going to or returning from any house or any station or other premises of a railway company in any street so stopped up.

(2) Provided that the Council shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. A.D. 1917.

10. Any fittings let for hire under the provisions of section 34 (Power to supply materials) of the Act of 1904 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. Exemption of water fittings from distress &c.

11. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the clerk or some other officer of the Council to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal. Entry on premises to remove fittings and meters.

12.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. As to communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be

A.D. 1917. — repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to Council to repair communication pipes.

13. If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe has been laid by and belongs to the occupier of such premises from the occupier. Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' notice of their intention so to enter.

Maintenance of common pipe.

14. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Council.

Register of meter to be primâ facie evidence.

15. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council. Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Extension of time for purchase of lands.

16. The powers conferred upon the Council by the Act of 1913 for the compulsory purchase of lands and easements for the

purposes of the works by that Act authorised are hereby revived and extended and shall continue in force and may be exercised by the Council until the expiration of a period of three years from the passing of this Act and after the expiration of that period the said powers shall cease. A.D. 1917.

PART III.
ELECTRICITY.

17. The Council may in connexion with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid. As to offices showrooms &c.

18. The Council may make byelaws for the purpose of preventing fire in any building or premises supplied with electrical energy with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such buildings or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section. Byelaws as to wires apparatus and fittings.

19.—(1) If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of such agreement the Council may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement: Provisions as to supply of electricity by agreement.

Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electrical energy by the Council under the terms of any agreement shall be deemed to be a person to whom the Council may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Council

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A.D. 1917. under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Council fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Council:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

As to maximum power which may be demanded.

20.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of energy taken only on extraordinary occasions or as a standby supply unless such consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for those premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Extending section 15 of Electric Lighting Act 1909.

21. The provisions of section 15 of the Electric Lighting Act 1909 shall extend and apply to the supply of electricity by the Council for power purposes to any premises having a separate supply of power whether such separate supply be by electricity gas steam or other source of power.

Further powers as to entry upon premises.

22.—(1) Any person who shall hinder an officer appointed by the Council from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 are unoccupied the

Council may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage. A.D. 1917.

23.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously 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. Period of error in defective meters.

(2) The amount of the allowance to be paid to or 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 the like manner as charges for electricity are recoverable by the Council.

24.—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Council or be given by the consumer personally at the office of the Council. Notice to discontinue supply of electricity.

(2) Notice to the effect of this section shall be endorsed upon any demand note for charges for electricity.

25. Any expenses reasonably incurred by the Council in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Council in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. Power to recover charge for reconnection.

26. The Council may refuse to supply electricity to any person whose payments for the supply of electricity or meter rent are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Council in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises. Power to refuse to supply electrical energy in certain cases.

27. The Council may subject to the provisions of the Electric Lighting Acts 1882 to 1909 and the provisions in the schedule to the Electric Lighting (Clauses) Act 1899 construct and maintain in or under any street repairable by the inhabitants Power to construct electrical substations under streets.

A.D. 1917. at large or dedicated to public use substations transforming stations and other works in connexion with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient:

Provided always that the Council shall not exercise the powers of this section so as to affect or interfere with any railway or work of the Great Western Railway Company.

Attachment
of brackets
and wires to
buildings.

28. The Council may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires and apparatus as may be required for lighting any street:

Provided that—

(1) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section:

(3) The owner may require the Council temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

For the purpose of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner. A.D. 1917.

29. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Act 1882 and of the Ebbw Vale Electric Lighting Order 1901 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes hereof : Power to lay electric mains in private streets.

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall the Council in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

30. Notwithstanding anything contained in section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 incorporated with the Ebbw Vale Electric Lighting Order 1901 the Council may if they think fit instead of carrying the net surplus remaining in any year of the revenue received by them in respect of their electricity undertaking and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate apply the whole or any portion thereof to the purchase of electric mains or lines machinery apparatus appliances and fittings (for the supply of electricity) to defraying the cost of laying such mains or lines and the fixing of such machinery apparatus appliances and fittings and to the formation of a fund for working capital Provided that the fund so formed shall not at any time exceed the sum of three thousand pounds. Further power as to net revenue &c.

31.—(1) Any expense incurred by the Council in carrying into effect the provisions of this Part of this Act relating to the supply of electricity and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Council As to expenses and receipts.

A.D. 1917. under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Council under the said provisions shall be applied in manner provided by section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

PART IV.

OMNIBUSES.

Power to provide and run omnibuses.

32.—(1) The Council may provide (but shall not manufacture) omnibuses and may run the same within the district and subject to the provisions of this section along any roads in the urban district of Brynmawr in prolongation of any omnibus route in the district Provided that the routes for the running of such omnibuses shall be approved by the Local Government Board.

(2) The Council shall not run such omnibuses on any road in the urban district of Brynmawr except with the consent of the urban council of that district and of the road authority and such consent may be given for such period not exceeding seven years as may be agreed and any such consent may be extended or renewed by agreement made within twelve months before or at any time after the determination of any existing agreement.

(3) The Council may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Council shall not create or permit any nuisance on any such lands.

(4) The Council may make byelaws for regulating the travelling and for the prevention of nuisances in or upon the said omnibuses Provided that any such byelaws shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(5) Every omnibus moved by electrical power shall be so equipped and worked so as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General and with the telegraphic and signalling apparatus on the railways of any railway company.

(6) The Council shall perform in respect of the omnibuses provided under this Act all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated. A.D. 1917.

(7) The Council shall keep the accounts in respect of their omnibus undertaking separate from their other accounts distinguishing therein capital from revenue.

33. The Council may demand and take for the conveyance of passengers travelling upon the omnibuses such reasonable fares and charges as may from time to time be approved by the Board of Trade. Fares for passengers.

34. Every passenger travelling upon the omnibuses may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

35. The Council may demand and take in respect of parcels conveyed by them on the omnibuses including every expense incidental to such conveyance any rates or charges not exceeding the following (that is to say):— Rates for parcels.

For any parcel not exceeding seven pounds in weight three-pence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence.

36. The Council shall not carry on the omnibuses any goods animals or other things other than passengers' luggage not exceeding the weight in this Act in that behalf mentioned small parcels not exceeding fifty-six pounds in weight and dogs in the charge of passengers. Council not to carry animals and goods other than dogs and small parcels.

37. The Council shall not be bound to carry dogs on the omnibuses but they may demand and take in respect of any dog Charges for dogs.

A.D. 1917. so carried any sum not exceeding the fare payable by the passenger who is in charge of the dog.

Shelters or waiting rooms.

38. The Council may erect and maintain sheds shelters or waiting rooms for the accommodation of passengers and of the Council's servants on any omnibus routes provided under this Act and may use for that purpose portions of the public streets or roads Provided that the Council shall not use portions of any public street or road beyond the district for the purposes mentioned in this section except with the consent of the local authority in whose district such street or road is situate and of the authority responsible for the maintenance of such road or street Provided also that no such shed shelter or waiting room shall be erected so as to obstruct or reduce the metalled portion or footway of any main road within the district repaired by the Monmouthshire County Council.

Lost property.

39. Any property found in any omnibus of the Council shall forthwith be handed to the conductor of the omnibus or taken to a place to be appointed for the purpose by the Council and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the omnibus undertaking of the Council.

Council may lease omnibus powers.

40. The Council may with the consent of the Board of Trade and subject to the provisions of this Act by lease to be approved by the Board of Trade demise to any person company or authority (in this section referred to as "lessees") the omnibuses and the carriage and motor houses buildings and sheds provided under the powers of this Act and the right of user of the same and of demanding and taking the fares rates and charges authorised by this Act.

Notice of the intention to make such lease shall be published by the Council by advertisement and a copy of such lease shall be deposited according to the regulations contained in Part I. of Schedule C to the Tramways Act 1870 annexed and unless such notice is given and such copy deposited such lease shall not be approved by the Board of Trade.

Every such lease shall be made for a term or terms not exceeding in the whole twenty-one years.

On the determination of any lease made under this section the Council may from time to time with the consent of the Board of Trade by lease demise such rights for such further term or terms not exceeding in any case twenty-one years as the said Board may approve. A.D. 1917.

Every such lease shall imply a condition of re-entry if at any time after the making of the same the lessees discontinue the working of the omnibuses so leased for the space of three calendar months such discontinuance not being occasioned by circumstances beyond the control of the lessees for which purpose the want of funds shall not be considered a circumstance beyond their control.

41. The Council and any other local authority company body or person providing or running omnibuses or other vehicles in any other district adjoining or adjacent to the district may enter into and carry into effect agreements for all or any of the following purposes (that is to say):— Agreements
with other
authorities
&c.

(a) The working management and maintenance of all or any of the omnibus services provided by the contracting parties and of any land and property used by them in connection with such services:

(b) The supply by any of the contracting parties under and during the continuance of any such agreement of omnibuses and conveniences in connection therewith necessary for the purpose of such agreement and the employment of officers and servants:

(c) The interchange accommodation conveyance transmission and delivery of traffic arising from or destined for any omnibus service of the contracting parties:

(d) The payment collection and apportionment of the rates charges and other receipts arising from any such omnibus services of the contracting parties.

42.—(1) In this section the expression “road authority” means the Monmouthshire County Council in respect of any main road and any railway company in respect of the roadway over any bridge repairable by such company along which omnibuses are authorised to be run by this Act. As to road
maintenance.

(2) The Council shall pay to the road authority an annual sum equal to three-eighths of a penny per car mile run by the

A.D. 1917. omnibuses over any such road towards the cost of the maintenance by the road authority of such road All sums of money payable to the road authority under the provisions of this section shall be deemed to be a debt due to the road authority and recoverable from the Council accordingly.

(3) The Council shall keep statements for the purposes of this section showing in proper detail the mileage run by each omnibus on the roads of the road authority and shall furnish copies of such statements annually to the road authority and the Council shall allow any person duly authorised by the road authority in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Council relating to the running of all such omnibuses.

(4) In consideration of the payments to be made by the Council to the road authority under this section the road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Council in respect of extraordinary traffic by reason of the user of any such road by the omnibuses of the Council.

PART V.

STREETS AND BUILDINGS.

Intersecting
streets.

43.—(1) The Council in any case in which it is proposed to lay out a new street may require that such street shall not be laid out without the provision of such intersecting street or streets as will secure intersecting streets at intervals of not more than one hundred and fifty yards each from the other on each side of such new street and of any street of which it forms a continuation Provided that if on either side of such last-mentioned street there shall already be a greater length from the proposed new street than one hundred and fifty yards without an intersecting street such greater length shall for the purposes of this section be deemed to be one hundred and fifty yards.

(2) 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.

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

44. When a road footpath or way within the district is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Council may instead of requiring the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the district require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Council.

A.D. 1917.
Widening of roads when only one side is built upon.

45. The Council may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Council be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Exchange of parts of streets dis-used.

46.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line").

Building line in new streets.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Council nor beyond or in front of the building line approved by the Council and any person offending against this enactment shall be liable to a penalty not

A.D. 1917. exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Council.

(4) In the event of the Council requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and six feet in addition the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Council determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Develop-
ment scheme
may be re-
quired in
connection
with new
streets.

47. Whenever application shall be made to the Council to approve the laying out of or notice shall be given to the Council of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Council may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Council with plans and particulars showing the general scheme for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

48.—(1) Any person deeming himself aggrieved by any requirement of or by the Council under either of the last two preceding sections of this Act may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

A.D. 1917.
Appeal to petty sessional court.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

49. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public 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 section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Forecourts to be fenced off from streets.

50.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Council flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gulleys and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drain gulleys and grids in good repair.

Courts &c. to be flagged and drained.

(2) If such owner or owners shall for one month after notice in writing from the Council fail in any respect to comply with any requirements of the Council under the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

51.—(1) Before any person shall erect on any land within the district a retaining wall of greater height than six feet he shall submit to the Council plans sections and specifications

As to erection of retaining walls.

A.D. 1917. — thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Council.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to materials and construction of buildings.

52. The Council may make byelaws with respect to the following matters (viz.) :—

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act :
- (2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united :
- (3) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Council if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Council may approve :
- (4) The testing of drains of new buildings.

Byelaws as to admission of light to buildings.

53. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Council to make byelaws for securing the adequate lighting of staircases passages and lobbies in new buildings and in cases where structural alterations are proposed to be made of staircases passages and lobbies of existing buildings.

Erection of buildings to greater height than adjoining buildings.

54.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the

building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised. A.D. 1917.

(2) Any person who shall offend 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.

55.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building or of any works in the district shall where practicable provide to the reasonable satisfaction of the Council and until the completion of any such construction reconstruction or alteration such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed. Sanitary conveniences for workmen engaged on buildings.

(2) 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.

56.—(1) Every new building exceeding two storeys in height used or intended to be used as flats or as a tavern hotel restaurant hospital boarding-house common lodging-house or school or as a shop in which building sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop shall be provided on each of the storeys above the second storey (hereinafter referred to as the "upper storey") with such means of escape in the case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall 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.

(2) From and after the first day of January one thousand nine hundred and eighteen the Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a shop and in which building sleeping accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape from each upper storey in case of fire for the

A.D. 1917. persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and award costs.

Notice of the right to appeal shall be endorsed on every requirement of the Council under this subsection.

(3) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(4) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

(5) 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.

Area of habitable rooms.

57. Section 23 of the Public Health Acts Amendment Act 1896 in its application to the district shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Ladders to be provided.

58.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2)—(a) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council

requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1917.

(b) Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Council under this subsection.

59. Section 132 (General provisions as to byelaws) of the Act of 1903 shall apply to all byelaws made under this Part of this Act. Application of section 132 of Act of 1903.

60. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company in connection with their railway under any Act of Parliament. General saving as to railway companies.

PART VI.

WATERCOURSES.

61.—(1) Before the owner of any land within the district shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Council may subject as hereinafter provided require such owner so to construct and maintain any such culvert or so to cover over and maintain any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse: Water-courses not to be covered over except in accordance with approved plans.

Provided that—

(A) No requirement of the Council under this section shall operate or compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

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(B) If with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council.

(2) If any difference shall arise between the Council and such owner as to the expediency necessity or otherwise of the works required by the Council to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

Watercourse choked up to be a nuisance under Public Health Act 1875.

62. Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

PART VII.

SEWERS DRAINS &c.

Prohibiting entry of petrol &c. into sewers.

63. Every person who wilfully turns or permits to enter into any sewer of the Council or any drain communicating therewith any petrol oil or other like deleterious substances from any workshop motor-garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

As to repair of private drains.

64. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by

them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if they think fit. A.D. 1917.

65. The powers given by section 19 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.

66. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction. Power to lay drains in private streets.

67. 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. Council to make communication between drains and sewers.

68. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain shall be laid relaid or amended or remade as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Council may cause the drain in respect of which such conviction has been obtained to be laid relaid or amended or remade as the case may require and may recover from such person in a summary manner as a civil debt the expenses incurred by them in so doing. Power to reconstruct drain if laid in contravention of Public Health Act 1875.

A.D. 1917.

Notice of intention to repair drains.

69.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the surveyor twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Council authorised in writing by him for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Street orderly bins.

70. The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the district of such dimensions and in such positions as the Council may from time to time determine.

Soil pipes to be ventilated.

71.—(1) The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Council shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discharge and trapping of pipes from slop-stones baths and basins.

72.—(1) Every pipe from any slop-stone bath or basin in a building shall be properly trapped within such building and shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gulley grating at a suitable distance and every gulley grating or other inlet to the drains shall also be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Council requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Council. A.D. 1917.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

73. If any person not less than sixteen years of age while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the disease in any place of public resort shop inn or any public conveyance or being in charge of any person so suffering wilfully exposes such sufferer he shall be liable to a penalty not exceeding five pounds. For prevent-
ing spread of
infectious
disease.

74.—(1) If the Council or a committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the district require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time such requirement shall be at once complied with. Power to
close Sun-
day schools
to prevent
spread of
infectious
disease.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

75. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping-cough and chicken-pox. Extended
meaning of
"infectious
disease" for
certain pur-
poses.

76.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease. Information
to be fur-
nished as to
infectious
disease.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

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(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

For prevent-
ing contact
with body of
person dying
of infectious
disease.

77. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

Disinfection
in case of
tuberculosis.

78.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat tent shed or similar structure used for human habitation) or any part would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer :

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer.

(b) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer who shall be authorised in that behalf in writing under the hand of the clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Council in carrying out the provisions

of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings. A.D. 1917.

(2)—(a) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the owner free of charge.

(3) If any person sustains any damage by reason of the exercise by the Council of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

79.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice cream or other similar commodity who within the district—

For regulat-
ing manufac-
ture 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 be manufactured sold or stored in any sleeping room or in any room cellar 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

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(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 to a penalty not exceeding five pounds.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or 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 commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4)—(a) The medical officer and the inspector of nuisances and any other officer who is duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of 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 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(b) Any person refusing entry into or inspection of 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.

(5) Section 90 (For regulating manufacture and sale of ice creams &c.) of the Act of 1903 is hereby repealed.

Establishment &c. of offensive trades.

80. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established for the first time 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 consent in writing of the Council but a trade business or manufacture shall not be deemed to be established for the first time 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. A.D. 1917.

81.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the district any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants. Rag and bone dealers not to sell food.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

82.—(1) If the medical officer or the inspector of nuisances has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin. Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or the inspector of nuisances it appears to the Council that any house is infested with vermin the Council shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Council

A.D. 1917. may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Council in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Council in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Council was reasonable and as to whether the costs and expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Regulation
dustbins.

83.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Council.

(2) Any owner or occupier who fails within fourteen days after notice given to him under this section to comply with the requirements of the Council shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(3) Provided that this section shall not apply to any ashpits or any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable size and in proper order and condition.

Medical ex-
amination of
inmates of
common
lodging-
houses &c.
when infec-
tious disease
prevails.

84. Whenever the medical officer shall report in writing to the Council or to a committee of the Council authorised for this purpose by the Council that there is a prevalence of dangerous infectious disease in the district or in any adjoining or neighbouring district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the district by persons resorting to common

lodging-houses the Council or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the district for such period as the Council or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Council or of such committee as aforesaid may exist or has recently existed in any common lodging-house in the district medically examine any person found in any common lodging-house in the district with a view to ascertaining whether such person is suffering or has recently suffered from such disease. Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:
- (2) A copy of every such resolution shall forthwith be sent by the Council or such committee as aforesaid to every keeper of a registered common lodging-house in the district and to the Local Government Board:
- (3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

85.—(1) Public notice of the foregoing provisions 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

Public notice
to be given
of provisions
of this Part
of Act.

A.D. 1917. 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.

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

PART IX.

FINANCIAL.

Power to borrow.

86.—(1) The Council may from time to time independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(A) For and in connection with the provision and running of omnibuses and for the purchase of lands and construction of buildings for the purposes of the omnibuses such sums as the Local Government Board may sanction not exceeding in the whole the sum of fifteen thousand pounds:

(B) For payment of the costs charges and expenses of this Act the sum requisite for that purpose.

The Council may also with the consent of the Local Government Board borrow such further money as the Council may require for any of the purposes of this Act.

(2) All moneys borrowed by the Council under this Act shall be paid off within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purpose (B) above 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 not exceeding sixty years as that Board may think fit to sanction.

(3) 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—

As regards moneys borrowed for the purposes (A) hereinbefore mentioned the revenue of the omnibus undertaking and the district fund and general district rate:

As regards moneys borrowed for the purpose (B) herein-
before mentioned the district fund and general district
rate: A.D. 1917.

As regards other moneys borrowed with the consent of the
Local Government Board such fund rate or revenue as
the Board may prescribe.

The provisions of this subsection shall not limit the powers
conferred upon the Council by section 32 (Power to use one
form of mortgage for all purposes) of the Act of 1913.

(4) In calculating the sums the Council may borrow under
any other enactment any sums they may borrow under this Act
shall not be reckoned and the power of the Council of borrowing
and reborrowing under and for the purposes of this Act shall
not be restricted by any of the provisions or regulations of
the Public Health Acts.

87. 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 (except in the case
of money borrowed for current expenses) to which capital is
properly applicable. Application
of money
borrowed.

88. The following provisions of the Act of 1913 (namely):— Application
of certain
sections of
Act of 1913.

- Section 25 (Mode of raising money);
- Section 26 (Provisions as to mortgages);
- Section 27 (Appointment of receiver);
- Section 29 (Mode of payment off of money borrowed);
- Section 30 (Sinking fund);
- Section 34 (Protection of lender from inquiry);
- Section 35 (Council not to regard trusts);
- Section 37 (Inquiries by Local Government Board);

shall subject to the provisions of this Act extend and apply
mutatis mutandis to and in the case of moneys to be borrowed
under the provisions of this Act and such sections shall be
incorporated in this Act and be read and have effect as if they
had reference to money borrowed under the powers of this
Act.

89. Notwithstanding anything in this Act the Council shall
not under the powers of this Act borrow any money (other than
money required for the purposes mentioned in the section of Restriction
on borrow-
ing.

A.D. 1917. this Act of which the marginal note is "Costs of Act") during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

As to
temporary
borrowing.

90.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a local education or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their water or electricity undertakings and after the commencement of such year it shall be lawful for the Council to borrow by way of temporary loan or overdraft from any bank such sums as they may from time to time resolve not exceeding in each case an amount equal to one-third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Council authorising such borrowing *pari passu* with any Council stock bond or mortgage affecting the same and it shall further be lawful for the Council to utilise for providing temporarily for any such expenses any sinking funds which they may have in hand crediting the said sinking funds with such fair rate of interest not being less than three pounds per centum per annum as they may resolve Provided that—

(A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year:

(B) The treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:

(c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Council have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

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(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and eighteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

91.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more equated periods within which all or any loans contracted by them under statutory borrowing powers 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.

Scheme for
fixed equated
periods.

(2) 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 or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or

A.D. 1917. rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed 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 and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) 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.

Rates may be amended to accord with new or supplementary valuation list.

92. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Power to grant gratuities in certain cases.

93.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness 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.

Expenses of executing Act.

94. All expenses incurred by the Council in carrying into execution the provisions of this Act and not otherwise expressly provided for shall be defrayed as expenses under the Public Health Act 1875 Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

PART X.

MISCELLANEOUS.

Power to maintain bowling greens &c.

95. The Council may in any park or recreation ground vested in them lay out and maintain bowling greens lawn tennis

courts and croquet lawns and provide the necessary apparatus for the use of the same and may do all such acts and employ such persons as may be required for that purpose and may make such reasonable charges for the use of such bowling greens lawn tennis courts and croquet lawns and the apparatus in connection therewith respectively as they may from time to time prescribe. A.D. 1917.

96. Every person who shall on Sunday in any street or public place call or shout or ring any bell or use any other noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for crying newspapers on Sunday.

97. The Council may erect or fix street fire alarms in such positions in any street road or public place within the district as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. Fire alarms.

98. All steam or waste 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. Ejection of steam and waste gas to annoyance of public.

99. The following provisions for the protection of the London and North Western Railway Company and the Great Western Railway Company (each of which companies is in this section referred to as "the railway company") shall except as far as may be agreed between the Council and the railway company be observed and have effect (that is to say):— For protection of London and North Western and Great Western Railway Companies.

- (1) In the exercise of the powers conferred upon the Council by the sections of this Act hereinafter mentioned the Council shall not interfere with or render less

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convenient the access to or exit from any station or depôt belonging to the railway company:

The sections of this Act hereinbefore referred to have the following marginal notes:—

Section 38 (Shelters or waiting rooms);

Section 70 (Street orderly bins);

Section 97 (Fire alarms):

(2) Nothing in the section of this Act whereof the marginal note is "Attachment of brackets and wires to buildings" shall authorise the Council to attach any brackets wires or apparatus to the structure of any railway bridge or viaduct forming part of the railway of the railway company without the previous consent in writing of such company:

(3) In the case of any building of which the railway company are the owners any question which pursuant to the last-mentioned section is to be determined by a court of summary jurisdiction shall in lieu thereof be referred to and determined by an engineer to be agreed on by the parties to such question or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference:

Any engineer to whom any such question is referred shall (in addition to any other powers vested in him under the Arbitration Act 1889) have all the like powers as are by the said section conferred upon a court of summary jurisdiction and for the purposes of the said section the award of such engineer shall be deemed to be equivalent to an order of a court of summary jurisdiction:

(4) Nothing in the sections of this Act hereinafter mentioned shall apply to any work constructed or to be constructed by the railway company as a part of or for the purposes of their railway under any statutory powers or to any lands held or acquired or which

may hereafter be held or acquired by the railway company and used for the purposes (other than for a dwelling-house) of their railway with the authority of Parliament:—

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- Section 43 (Intersecting streets);
- Section 44 (Widening of roads when only one side is built upon);
- Section 46 (Building line in new streets);
- Section 47 (Development scheme may be required in connection with new streets);
- Section 51 (As to erection of retaining walls);
- Section 61 (Watercourses not to be covered over except in accordance with approved plans);
- Section 64 (As to repair of private drains);
- Section 69 (Notice of intention to repair drains).

100. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets and buildings) Part VI (Watercourses) Part VII (Sewers drains &c.) and Part VIII (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power to enter premises.

101. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to breach of conditions of consent of Council.

102. All consents given by the Council under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk.

Consent of Council to be in writing.

103. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Application of section 265 of Public Health Act 1875.

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In executing
works for
owner Coun-
cil liable for
negligence
only.

104. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Apportion-
ment of
expenses in
case of joint
owners.

105. Where under the provisions of this Act or any local Act in force in the district 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 those Acts or any of them 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.

Recovery of
demands.

106. Proceedings for the recovery of any demand made under the authority of this Act or under the authority of the Act of 1903 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 having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Summons or
warrant may
contain
several sums.

107. Where the payment of more than one sum by any person is due under this Act or under the Act of 1903 any summons or warrant issued for the purposes of such Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

108. The following sections of the Act of 1903 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (namely):—

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—
Incorporation of certain sections of Act of 1903.

- Section 133 (Informations by whom to be laid);
- Section 135 (Authentication and service of notices &c.);
- Section 136 (As to appeal);
- Section 137 (Recovery of penalties);
- Section 138 (Damages and charges to be settled by justices);
- Section 139 (Penalties to be paid over to treasurer);
- Section 140 (Compensation &c. how to be determined);
- Section 141 (Saving for indictments &c.);
- Section 142 (Judges &c. not disqualified);
- Section 143 (Powers of Act cumulative);
- Section 144 (Crown rights).

109. 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 the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

Costs of Act.

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