

## SCHEDULES

### SECOND SCHEDULE

Section 12.

#### SUPPLEMENTARY PROVISIONS CONCERNING SEWERAGE CONTRIBUTIONS

##### *Establishment of actual and estimated cost per yard of sewer*

- 1 (1) As soon as may be after a resolution has been passed for the purposes of section twelve or section thirteen of this Act and the actual cost of constructing the sewer to which the resolution relates has been ascertained, the local authority shall serve on the owners of the premises fronting the street or the part of the street in which the sewer is constructed a notice specifying—
- (a) the amount of the actual cost per yard of the sewer constructed in the street or part of the street, and
  - (b) the amount which the local authority estimate as the cost per yard of a sewer having an internal diameter of nine inches constructed in the street or part of the street at a depth of seven feet,
- and every such notice shall state that the lesser of these amounts will be relevant in computing the amount of any payment recoverable under section twelve or section thirteen of this Act, as the case may be, in respect of those premises, and shall give particulars of the right of objection conferred by the next following paragraph.
- (2) The cost per yard of a sewer constructed in a street or part of a street shall be computed by the local authority by dividing the cost of constructing that sewer by its extent in yards.
- 2 (1) Any person on whom a notice is served under the foregoing-paragraph may within one month of the date of the notice serve on the local authority an objection in writing to the correctness of any amount specified by that notice.
- (2) If an objection is made under this paragraph within the said period and is not withdrawn, the local authority shall, after the expiration of that period, apply to a magistrates' court to appoint a time for hearing and determining all objections so made within that period and shall serve on all the objectors notice of the time and place so appointed.
- (3) At the hearing the court may direct that there be substituted for any amount specified in the notice such other amount as the court may determine.
- (4) Subject to any direction by a court on the hearing of objections under this paragraph (whether at first instance or on appeal), the amounts specified in the notice shall be conclusive for all purposes.

##### *Recovery of payments*

- 3 (1) Whenever a payment becomes recoverable in respect of any premises, the local authority shall serve a notice specifying the amount of the payment on the owner of

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*Status: This is the original version (as it was originally enacted).*

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the premises for the time being, and may recover that amount together with interest thereon from the date of the notice from that person :

Provided that no notice shall be served under this paragraph before the amount of the actual and estimated cost per yard of the sewer has been conclusively established.

- (2) A notice under this paragraph shall give particulars of the power of remission and the right of appeal conferred by subsection (8) of section twelve of this Act.
- 4       The rate of interest chargeable under the last foregoing paragraph shall be such rate as the local authority may determine not exceeding the maximum rate fixed by the Minister for the purpose of section two hundred and ninety-one of the Public Health Act, 1936, at the time when the notice is served, or, if different maximum rates are then so fixed, the highest of those rates.
- 5       The payment recoverable in respect of any premises together with interest thereon from the date of the notice served under paragraph 3 of this Schedule shall, from that date until recovered, be a charge on the premises and on all estates and interests therein.

#### *Interpretation*

- 6       (1) A building shall be deemed to be erected after the date on which a resolution comes into operation unless its erection was complete before that date.
- (2) A building shall be deemed to be erected—
- (a) if any part of the building is wholly or partly re-erected when the outer wall of that part has been demolished (otherwise than in consequence of fire or other accident) to within ten feet of the surface of the ground adjoining the lowest storey of that part;
  - (b) if (not having been originally constructed for human habitation) it is converted into a house ;
  - (c) if it is converted into a factory, shop or place of public resort;
  - (d) if it is extended so that the area occupied by the site of the building will (with any previous extension made since the date on which a resolution came into operation in relation to the building) be increased by an area of more than one-eighth or, in the case of a building constructed for agricultural purposes, one-quarter, of that occupied by the site of the building before that date;
- and subsection (2) of section ninety of the Public Health Act, 1936 (Which specifies operations which are deemed to be the erection of a building), shall not apply in relation to section twelve or section thirteen of this Act.
- 7       (1) References to premises on which a building is erected are references to the building and any land occupied with the building.
- (2) References to " fronting" include references to adjoining and abutting and "frontage" shall be construed accordingly.

#### *Proof of publication of resolutions*

- 8       Publication of a notice of a resolution for the purposes of section twelve or section thirteen of this Act in a newspaper and the date of any such publication may be proved by the production of a photostatic or other reproduction certified by the clerk of the local authority to be a true reproduction of a page or part of a page of that newspaper bearing the date of its publication and containing the notice.