



# Towns Improvement Clauses Act 1847

## CHAPTER 34

### TOWNS IMPROVEMENT CLAUSES ACT 1847

Extent of Act.

Interpretations in this Act :

- II Interpretations in this and the special Act:
- III Interpretations in this and the special Act:

#### *Citing the Act*

- IV Short Title of this Act.
- V Form in which Portions of this Act may be incorporated with other Acts.

#### *Officers*

- VI Until an Inspector is appointed Under some general Act, Execution of Works may be proceeded with without his Approval.
- VII Commissioners to appoint, subject to Approval, a Surveyor.
- VIII Surveyor, before entering upon Office, to make the following Declaration.
- IX Commissioners shall appoint an Inspector of Nuisances.
- X Surveyor and Inspector of Nuisances.
- XI Commissioners to provide Offices for Surveyor and Inspector.
- XII Power to appoint, subject to Approval, an Officer of Health.

#### *Surveys and Plans*

- XIII Commissioners to cause a Map of the District within the Limits of the special Act to be made, and to be open to Inspection.
- XIV Ordnance may furnish Commissioners with Maps, or cause Surveys to be made.

- XV Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.
- XVI Commissioners may cause Maps to be engraved, &c., and pay Expences out of Rates.
- XVII Commissioners to cause Plans to be prepared of Alterations of new Works or Alterations of existing Works.
- XVIII Before giving Notice of Construction of Works, Plans to be prepared and deposited in the Office of the Commissioners.

*Lands*

- XIX The taking of Lands to be subject to the Provisions of this Act and the Lands Clauses Consolidation Act, 1845.
- XX Errors and Omissions in Plans, &c may be corrected by Justices, who shall certify the same. Certificate to be deposited.
- XXI Commissioners to make Compensation for Damage done. If Parties cannot agree as to Compensation, the same to be determined in manner provided by 7 & 8 Vict. c. 18.

*Sewers*

- XXII Management of Sewers and other Works vested in the Commissioners.
- XXIII Drainage Districts to be formed, subject to Approval of Inspector.
- XXIV Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.
- XXV Commissioners may alter Sewers from Time to Time.
- XXVI Commissioners not to destroy existing Sewers, &c. without providing others. Penalty for Neglect.
- XXVII Commissioners to cause Estimates to be prepared and submitted to the Inspector.
- XXVIII As to the Expence of making new Sewers. Where Lands, &c. were sufficiently drained before making new Sewer, Occupier to have a Reduction made in his Rates.
- XXIX As to the Expence of maintaining Sewers, &c.
- XXX Penalty for making unauthorized Drains.
- XXXI Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.
- XXXIII Streets may be stopped for Repairs.
- XXXIV All Sewers, &c. to be covered with Traps.
- XXXIV Sewers may be used by Owners and Occupiers of Land beyond Limits of Town or District.

*House Drains*

- XXXV Commissioners empowered to construct Drains from House, charging Owner, &c. with the Expence.
- XXXVI No House to be hereafter built without Drains being constructed.
- XXXVII Where Houses are rebuilt, the Level shall be sufficient to allow a Drain to be constructed.
- XXXVIII Notice of Buildings and Rebuildings to be given to the Commissioners.
- XXXIX Commissioners may signify Disapproval within Fourteen Days.
- XL Houses built without Notice, or contrary to Provisions of this or the special Act, may be altered.

- XLI If Commissioners fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without.
- XLII Commissioners may require Owners of Houses to provide Privies and Ashpits for the same.
- XLIII Penalty for neglecting to provide Privy, &c.
- XLIV Drains, Privies, and Cesspools to be kept in good Order by Owners. If Owners neglect, Commissioners may cause the same to be done, and charge the Owners with the Expence.
- XLV As to the Inspection of Drains, Privies, and Cesspools.
- XLVI Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

#### *Paving*

- XLVII Management of Streets vested in Commissioners.
- XLVIII Commissioners to be Surveyors of Highways.
- XLIX Commissioners liable to Indictment for Want of Repairs.
  - L Road Trustees not to collect Tolls within Limits of Act.
  - LI Power for the Commissioners to pave public Streets.
  - LII Commissioners may place Fences to Footways.
  - LIII Where public Streets have not heretofore been paved, Commissioners may cause them to be paved, at the Expence of the Occupiers of adjoining Lands.
  - LIV Future Streets may be declared Highways.
  - LV Commissioners, upon Completion of Two Thirds of any Street, may, upon Application, require remaining One Third to be completed by Owners of Houses.
  - LVI Penalty on Persons altering Pavements without the Consent of the Commissioners.

#### *New Streets*

- LVII Notice of Intention to lay out new Streets to be given to Commissioners.
- LVIII Levels to be fixed by the Surveyor to the Commissioners.
- LIX If the Commissioners fail to fix the Level, the Party may proceed without.
  - LX Persons laying out Streets, without Notice to be liable to the Expences of subsequent Alterations of Levels.
  - LXI Situation of Gas and Water Pipes to be altered at the Expence of the Commissioners.
  - LXII If Gas or Water Company neglect to make the Alteration, the Commissioners may cause the same to be done.
  - LXIII As to the Width of new Streets.

#### *Naming Streets*

- LXIV Houses to be numbered and Streets named.
- LXV Numbers of Houses to be renewed by Occupiers.

#### *Improving Streets*

- LXVI Houses may be set forward for improving Line of Street.
- LXVII Commissioners may purchase Houses or Ground for effecting additional Improvements.

- LXVIII Houses projecting beyond Line of Street, when taken down, to be set back.
- LXIX Future Projections of Houses, &c. to be removed, on Notice.
- LXX Commissioners may cause existing Projections to be removed, and Compensation to be made.
- LXXI Doors in future to be made to open inwards.
- LXXII Doors opening outwards may be altered.
- LXXIII Coverings for Cellar Doors to be made by Occupier. Penalty for Neglect.
- LXXIV Waterspouts to be affixed to Houses or Buildings.

*Ruinous or dangerous Buildings*

- LXXXV Ruinous or dangerous Buildings to be taken down or secured by Owners, &c. If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expences.
- LXXXVI The Expences to be levied by Distress on the Owner.
- LXXXVII If Owner cannot be found, Commissioners may take the House or Ground, making Compensation provided by 7 & 8 Vict. c.18.
- LXXXVIII Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

*Precautions during Repairs*

- LXXXIX Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.
- LXXX Hoards to be set up during Repairs.
- LXXXI Penalty for not lighting Deposits of Building Materials or Excavations.
- LXXXII Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.
- LXXXIII Dangerous Places to be repaired or inclosed.

*Objections to Works*

- LXXXIV Commissioners to give Notice of new Levels or Sewers.
- LXXXV Meeting of Commissioners to hear Objections in the Presence of the Inspector.
- LXXXVI Persons aggrieved by Order of Commissioners may appeal to Quarter Sessions.

*Cleansing Streets*

- LXXXVII Commissioners to cause Streets to be cleansed, and Dust and Ashes to be removed from the Houses.
- LXXXVIII Occupiers to cause Footways to be swept. Penalty for Neglect.
- LXXXIX Commissioners may compound for sweeping Footways.
  - XC Dust, &c. collected to be vested in the Commissioners.
  - XCI Commissioners may provide Lands, &c. for Deposit of Soil and materials.
  - XCII Dust Boxes to be erected by Commissioners.
  - XCIII Commissioners may cause public Conveniences to be erected.
  - XCIV Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.
  - XCV Commissioners to appoint Scavengers.
  - XCVI Penalty for obstructing Scavengers.

- XCVII Penalty on Persons other than Scavengers removing Dirt.
- XCVIII Penalty for conveying offensive Matter at improper Times.

*Nuisances*

- XCIX Stagnant Pools of Water and other Annoyances to be removed.
  - C Regulations to prevent Accumulation of Dung, &c.
  - CI On Certificate of the Officer of Health, Filth to be removed.
  - CII Houses to be whitewashed and purified, on Certificate of Officer of Health, &c.
  - CIII No Interment in any Grave without leaving Two Feet Six Inches clear of Soil above the Coffin.
  - CIV Justices may order Nuisances to be abated.
  - CV Penalty for Disobedience of Orders of Justices.
  - CVI Commissioners to order Costs of Prosecutions to be paid out of the Rates.

*Nuisances*

- CVII Act not to affect Nuisances at Common Law.

*Smoke*

- CVIII Fireplaces of Factories &c. to consume their own Smoke.

*Fire*

- CIX Party Walls to be carried up through the Roof. Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

*Ventilation*

- CX Regulating Construction of Buildings intended as Places for Public Meetings. No Person to begin to build until Plan has been approved by Commissioners.
- CXI If Commissioners fail to signify their Approval of Plan within Fourteen Days, Party may proceed to build.
- CXII Persons may appeal against Determination of Commissioners.
- CXIII Cellars in Courts not to be occupied as Dwellings after letting prohibited.
- CXIV No Cellars under the Height of Seven Feet from the Floor to the Ceiling to be let as Dwellings.
- CXV Penalty on letting such Cellars as Dwelling Places.

*Lodging Houses*

- CXVI For the Regulation and Inspection of Lodging Houses.
- CXVII Commissioners to keep a Register of Lodging House Keepers, and make Rules for promoting Cleanliness and Ventilation.
- CXVIII Penalty on Lodging House Keepers not complying with the Provisions of the Act.

*Lighting*

- CXIX Commissioners may contract for lighting the Streets,
- CXX For ascertaining Price to be paid for Gas in case of Dispute.

*Water*

- CXXI Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses. Commissioners not to construct such new Works without Approval.
- CXXII Commissioners may contract for Supply of Water.
- CXXIII For ascertaining Price to be paid for Water in case of Dispute.
- CXXIV Commissioners to cause Fire Plugs, &c. to be provided and maintained.

*Slaughterhouses*

- CXXV Commissioners may license Slaughterhouses, &c.
- CXXVI No new Slaughterhouses in future to be erected with out a Licence.
- CXXVII Existing Slaughter-houses, &c. to be registered.
- CXXVIII Commissioners may make Bye Laws for Regulation of Slaughterhouses, &c.
- CXXIX Justice may suspend Licence of Slaughterhouses, &c. in addition to Penalty imposed.
- CXXX Penalty for slaughtering Cattle during Suspension of Licence, &c.
- CXXXI Officers may enter and inspect Slaughterhouses, &c.

*Special Order*

- CXXXII As to certain Matters authorized to be done by the Commissioners by special Order only.
- CXXXIII Final Resolution not to be carried into effect for One Month, nor then if a Majority of the Ratepayers remonstrate against the same.
- CXXXIV Commissioners may purchase Slaughterhouses, &c. ;
- CXXXV and Places for public Recreation.
- CXXXVI Public Bathing Places and Drying Grounds.
- CXXXVII Proportion of Baths for the Working Classes.
- CXXXVIII Charges for the Use of Baths.
- CXXXIX Recovery of Charges for the Use of Baths, &c.
- CXL Publication of Bye Laws-in regard to Baths, &c.
- CXLI Sale of Baths, &c. on discontinuing them.
- CXLII Application to be made to Parliament if additional Powers necessary.

*Clocks*

- CXLIII Power to Commissioner's to provide public Clocks.

*Execution of Works by Commissioners*

- CXLIV Commissioners empowered to enter upon Lands for the Purposes of this Act.
- CXLV Penalty on Persons obstructing Commissioners in their Duty.

*Execution of Works by Owners*

- CXLVI As to Service of Notice on Owners and Occupiers of Buildings and Lands.
- CXLVII Commissioners, in default of Owner or Occupier, may execute Works and recover Expences.
- CXLVIII Occupier, in default of Owner, may execute Works and deduct Expences from his Rent.
- CXLIX How Expences are to be recovered from Owner.

- CL Power to levy Charges on Occupier, who may deduct the same from his Rent.
- CLI Occupier not to be liable for more than the Amount of Rent due.
- CLII Commissioners may allow Time for Repayment by Owners of Improvement Expences.
- CLIII Proceedings in case of Tenants opposing the Execution of this Act.
- CLIV Respecting existing Con tracts for Building.
- CLV Respecting Contracts for Leases.

#### *Rates*

- CLVI As to the Recovery of private Improvement Expences.
- CLVII Where new Sewers are made Commissioners may make special Sewer Rates.
- CLVIII Commissioners to make a general Sewer Rate distinct from other Rates.
- CLIX Commissioners may borrow Money by Mortgage of Sewer Rates.
- CLX Sewer Rate to be of such Amount as to pay off Monies borrowed thereon in Thirty Years.
- CLXI Cases where Rates may be charged upon separate and distinct Districts.
- CLXII Rates to be levied on separate and distinct Districts.
- CLXIII Drainage Rates.
- CLXIV Occupiers may deduct a Proportion of Drainage Rate from their Rent.
- CLXV Landlords being also Tenants, may deduct Proportion of Drainage Rate from their Rent.
- CLXVI Limitation of Expenditure for House Drains, &c,
- CLXVII Rates to be levied on Persons holding, using, or occupying Houses, &c. Proportion to be paid by Holders of Lands, Nursery Grounds, &c.
- CLXVIII Exemptions from Rates.
- CLXIX Rates may be prospective or retrospective.
- CLXX Commissioners to cause Estimates to be prepared before making a Rate.
- CLXXI Notice of Rate to be given.
- CLXXII Form of Rate.
- CLXXIII Rate to be open to Inspection of Rate-payers, who may take Copies, &c.
- CLXXIV Rates maybe amended.
- CLXXV Value of Property to be ascertained according to Poor Rate.
- CLXXVI If Poor Rate an unfair Criterion, a Valuation to be made.
- CLXXVII Person appointed a Valuer to make a Declaration, before acting.
- CLXXVIII Poor Rate to be open to Inspection by Commissioners.
- CLXXIX Owner of Property unoccupied to be assessed to the Sewer Rate.
- CLXXX Unoccupied Premises to be included in the Rates; and if the Premises are afterwards occupied, a Portion of Rates to be paid.
- CLXXXI Owners of Property not exceeding 10l. per Annum net annual Value to pay Rates instead of Occupier.
- CLXXXII Not necessary to name the Owner where unknown.
- CLXXXIII Tenants under existing Leases to repay the Owner.
- CLXXXIV Occupiers may be rated if they think fit.

#### *Appeal*

- CLXXXV Persons aggrieved may appeal to Petty Sessions on the ground of Incorrectness, &c. of Valuation. Their Decision to be final unless appealed from to Quarter Sessions.
- CLXXXVI Parties may appeal to the Quarter Sessions against a Rate.
- CLXXXVII Quarter Sessions to hear Appeal, whose Decision shall be final.

- CLXXXVIII No Order of Special Sessions to be in force pending Appeal.  
 CLXXXIX On Appeal, the Quarter Sessions and Petty Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.  
 CXC Order of Justices not to be removed by Certiorari.

*Recovery of Rates*

- CXCI Rates to be recovered by Distress.  
 CXCII Form of Warrant of Distress. Constables to assist in making Distress.  
 CXCIII Rate Books to be Evidence.  
 CXCIV Remedy against Persons quitting before Payment of Rates.  
 CXCIV Rates to be apportioned on Holder quitting.  
 CXCVI Rates due from Owner may be recovered from Occupier.  
 CXCVII Occupier not to be required to pay more than the Amount of Rent owing by him.  
 CXCVIII Occupier refusing to give Name of Owner liable to a Penalty.  
 CXCIX Surveyors of Highways may proceed for the Recovery of Arrears of Highway Rates.

*Bye Laws*

- CC Bye Laws.  
 CCI Bye Laws may be enforced by Imposition of Penalties.  
 CCII Bye Laws to be confirmed.  
 CCIII Notice of Confirmation to be given.  
 CCIV A Copy of proposed Bye Laws to be open to Inspection.  
 CCV Publication of Bye Laws.  
 CCVI Bye Laws to be binding on all Parties.  
 CCVII Evidence of Bye Laws.  
 CCVIII Penalty on pulling down Boards.  
 CCIX Tender of Amends.

*Recovery of Damages and Penalties*

- CCX Clauses of 8 & 9 Vict. c.20 as to Recovery of Damages and Penalties incorporated with this and special Act, &c.  
 CCXI In Ireland Part of Penalties to be paid to Guardians of Unions.  
 CCXII Things required to be done by Two Justices may, in certain Cases, be done by One.  
 CCXIII Persons giving false Evidence liable to Penalties of Perjury.

*Access to special Act*

- CCXIV Copies of special Act to be kept by Commissioners at their Office, and deposited with the Clerks of the Peace, &c, and be open to Inspection.  
 CCXV Penalty on Commissioners failing to keep or deposit such Copies.  
 CCXVI Act may be amended.

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SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.) —

SCHEDULE (B.) —