



CHAPTER lii.

An Act to confer upon the urban district council of Acton A.D. 1904.
further powers with regard to the supply of electricity and
the improvement health local government and finance of
the district and for other purposes. [24th, June 1904.]

WHEREAS the urban district of Acton in the county of
Middlesex (in this Act called "the district") is under the
local government of the urban district council of Acton (in this
Act called "the Council"):

And whereas it is expedient that further and better provision
be made with reference to buildings streets and sanitary matters
and for the improvement health local government rating and
finance of the district and that the powers of the Council in
relation thereto should be enlarged and extended:

And whereas it is expedient that all the powers duties and
liabilities of the vestry of the parish of Acton (not exclusively
ecclesiastical) should be transferred to the Council and that the
office of vestry clerk of the said parish should cease and that
certain of the powers of the churchwardens of the parish should
be transferred to the Council:

And whereas by the Acton Electric Lighting Order 1891
confirmed by the Electric Lighting Orders Confirmation (No. 4)
Act 1891 the Council were empowered to produce and supply
electrical energy within the district for public and private purposes
and it is expedient to make further provision with regard to the
supply of electrical energy by the Council:

And whereas the Uxbridge Road is a main road of con-
siderable importance and traverses the district for a distance of
one mile and six furlongs and it is expedient that the same should
be vested in and be under the control of the Council:

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And whereas owing to a misunderstanding the control of the main roads in the district of the Council has passed into the hands of the county council of Middlesex and it is desirable that this should be remedied and that the control should (with the consent of the county council) be vested in the Council :

And whereas the Council and their predecessors the local board for the district have in the exercise of their statutory powers from time to time borrowed various sums of money which bear different rates of interest and are subject to different conditions as to time of repayment and otherwise and it is expedient that provision should be made for equating the periods for repayment of the sums so borrowed as herein-after provided :

And whereas it is expedient that the Council should be enabled to raise moneys for the purposes of this Act :

And whereas by a scheme confirmed by the Metropolitan Commons Supplemental Act 1882 certain commons (including Acton Green) were placed under the control of the local board for the district of Acton the predecessors of the Council and it is expedient that the powers of the Council over Acton Green should be extended :

And whereas it is expedient to confer further powers on the Council as regards the recreation grounds within the district :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas an absolute majority of the whole number of the Council at a meeting held on the tenth day of November one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Acton Gazette a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act :

And whereas such resolution was published twice in the Acton Express a local newspaper circulating in the district and has received the approval of the Local Government Board :

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

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed: A.D. 1904.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Acton Improvement Act 1904. Short title.

2. In this Act the following words and expressions have the meanings hereby assigned unless the subject or context otherwise requires :— Interpretation.

“The district” means the urban district of Acton in the county of Middlesex :

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

“District fund” and “general district rate” mean respectively the district fund and general district rate of the district :

“The clerk” “the surveyor” “the medical officer” “the inspector of nuisances” mean respectively the clerk and the surveyor to the Council and the medical officer of health and inspector of nuisances of the district and include any persons duly authorised to act temporarily in those capacities respectively and “the office” in relation to any of the said officers means the office of that officer at the Council offices or at such other place in the district as the Council may from time to time appoint :

“The Vagrancy Acts” means the Vagrancy Act 1824 and any Act for the time being in force amending the same :

“Daily penalty” means penalty for each day on which an offence is continued after conviction :

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

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“Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy :

“Dairy” means and includes any farm farmhouse cowshed milk-store milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale :

“Sky-sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky-sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression “sky-sign” also includes any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include—

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

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

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest

trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section thirty-four of the Local Loans Act 1875 but does not include any securities of the Council.

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Words and expressions to which meanings are assigned by the Public Health Acts have in this Act the same respective meanings.

3. The Lands Clauses Acts except the provisions thereof with respect to the taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845 are hereby incorporated with this Act.

Incorporation of Acts.

4. The limits within which the powers by this Act granted may be exercised shall (save where otherwise by this Act expressly provided) be the district.

Limits of Act.

PART II.

ELECTRICITY.

5. The Council may within the district provide sell let for hire and fix set up alter repair and remove (but shall not manufacture) lamps meters motors electric lines fittings apparatus and things for lighting heating and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters motors electric lines fittings apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Council as the Council may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

Power to supply electric fittings.

6.—(1) Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Council a supply of electrical energy to

Supply of electricity where consumer has

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 separate
 supply.

premises having a separate supply unless such person shall have previously agreed to pay to the Council such minimum annual sum as will give to the Council a reasonable return on the capital expenditure and other standing charges incurred by the Council to meet the possible maximum demand of such person.

(2) In case the Council and the person demanding such supply of electrical energy shall fail to agree as to the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

Electric
 lighting con-
 sumers to
 give notice
 to Council
 before re-
 moving.

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

Council may
 refuse to
 supply elec-
 trical energy
 in certain
 cases.

8. The Council may refuse to supply electrical energy to any person whose payment for the supply of electrical energy is for the time being in arrear whether such payment be due to the Council in respect of a supply to the same or other premises.

Discount on
 electric
 lighting and
 power ac-
 counts.

9. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electric light or electrical power or energy from any person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges. Provided that the Council shall make the same allowance to all consumers under similar circumstances.

Altering date
 for filling
 up annual
 accounts for
 electric
 lighting.

10. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Council for the time being shall after the passing of this Act be filled up on or before

the thirtieth day of June in every year and shall be made up to the thirty-first day of March next preceding such date and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Council as if the thirtieth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

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11. The provisions of this Part of this Act shall be read as part of the Acton Electric Lighting Order 1891 and article 56 of that Order shall be amended by the insertion of the words "from the thirty-first day of December one thousand nine hundred and five" in lieu of the words "after the commencement of this Order."

Incorporation and amendment of Electric Lighting Order 1891.

12.—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

Receipts and expenses under this Part of this Act.

(2) Any moneys received by the Council under this Part of this Act shall be applied in manner provided by section 52 of the Acton Electric Lighting Order 1891 except capital moneys which shall be applied in manner provided by section 53 of the said Order.

PART III.

INFECTIOUS DISEASE.

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

Protection against infection of books from lending library.

14. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the

Dairymen to notify infectious

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disease
among their
servants.

medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

Medical
officer may
require
dairymen to
furnish lists.

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

Compen-
sation to
dairymen.

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

Prohibition
on infected
person carry-
ing on busi-
ness.

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

Power to
compensate
persons ceas-
ing employ-
ment.

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

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

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Byelaws relating to hospitals.

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

Council may pay expenses of person in hospital.

21. The Council may provide or contract with any person or persons to provide nurses for attendance upon any person suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse so provided.

Power to provide nurses.

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

Driver of infected person to give notice.

23.—(1) Where it appears to the Council upon the certificate of the medical officer that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check any infectious disease the Council may serve notice on the occupier or where the house or part thereof is unoccupied on the owner of such house or part thereof that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the Council unless the person so notified informs the Council within a time to be specified in the notice from the receipt of the said notice that he will cleanse or disinfect the house or part thereof with any such

Cleansing of infected house and removal of persons suffering from infection.

A.D. 1904. — articles or destroy such articles to the satisfaction of the medical officer as testified by certificate by him within a time fixed in the notice.

(2) If either—

- (A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Council as aforesaid; or
- (B) Having so informed the Council he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice; or
- (C) The occupier or owner as the case may be without such notice gives his consent;

the house or part thereof and the articles shall be cleansed and disinfected or such articles destroyed by the officers of and at the cost of the Council.

(3) For the purpose of carrying into effect this section the Council may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

(4) When the Council have disinfected any house part of a house or any article under the provisions of this section they shall compensate the occupier or owner of such house or part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Council destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner.

(5) If the Council deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Council to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit. Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian. The Council shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation. A.D. 1904.

(7) The Council may for the purposes of this section either themselves build a place of reception or contract for the use of any place of reception.

(8) Any expenses incurred by the Council under this section shall be paid out of the district fund or general district rate.

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

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

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

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

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Power to medical officer to examine school children.

27. The medical officer may enter any public elementary school within the district at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection.

The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

Any person who shall obstruct the medical officer in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

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

28. Whenever any scholar who attends any school within the district shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith on becoming aware of the fact send notice thereof to the medical officer and shall furnish to the Council at their request a list of the scholars attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. The Council shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and at the rate of sixpence for every twenty-five scholars named therein.

For regulating manufacture and sale of ice cream.

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

(A) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such

commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination ; or

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

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

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

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Public notice to be given of provisions of Part III.

PART IV.

TUBERCULOSIS.

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

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

33. Every dairyman who supplies milk within the district and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

Obligation to notify cases of tuberculosis.

Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

34.—(A) It shall be lawful for the medical officer or any person provided with (and if required exhibiting) the authority in writing of the medical officer to take within the district for

Power to take samples of milk.

A.D. 1904. examination samples of milk produced or sold or intended for sale within the district.

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

Power to inspect cows and to take samples of milk.

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

(B) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council may thereupon serve on the dairyman notice to appear before them within such time (being not less than twenty-four hours) as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the district until the order has been withdrawn by the Council.

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

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

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

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

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

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

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

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

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

Compensation to dairymen.

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

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

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

Public notice to be given of provisions of Part IV.

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

Procedure.

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

Expenses.

40. All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be

chargeable upon the district fund and general district rate and the Council may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district. Provided that no such test shall be applied except with the previous consent of the owner of such cow. A.D. 1904.

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

PART V.

STREETS BUILDINGS AND SEWERS.

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

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

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

As to plans or sections approved before the passing of this Act within two years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposit and approval shall unless the Council otherwise determine be requisite.

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

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Council may
define future
line of exist-
ing streets.

44.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

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

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

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

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

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

Council may declare where streets begin and end.

46. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

Continuation of existing streets to be deemed new streets.

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

Urgent repairs to private streets.

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

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

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

Forecourts to be fenced off from streets.

49. It shall not be lawful for any person not authorised by Act of Parliament without the consent of the Council in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such material rubbish or thing or fill up such excavation (as the case may be) when required by the Council and if any

Deposit of building materials or excavations not to be made in street without consent.

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person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily as a civil debt.

Provision for preventing formation of culs-de-sacs.

50. The Council may (if in the circumstances of the case they think it expedient to do so) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Intersecting streets.

51. No new street shall be laid out so as to be more than two hundred yards in length without an intersecting street.

Fencing land adjoining streets.

52. If any land (other than land now forming part of any common) adjoining any street be allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of such fence a source of danger to passengers or is used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the clerk to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they shall think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily as a civil debt.

Dangerous places to be repaired or enclosed.

53. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

- (1) If any building wall fence steps structure or other thing or any well excavation reservoir pond stream dam or bank is for want of sufficient repair protection or enclosure dangerous to the passengers along any street or footpath the Council may order the owner within

the period specified in such order to repair remove protect or enclose the same so as to prevent any danger therefrom :

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- (2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Council may cause such works as they think proper to be done for effecting such repair removal protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily as a civil debt.

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

Prevention and removal of projections over street.

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

Crossings for horses or vehicles over footway.

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

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 Recovery of
 damages
 caused to
 footways by
 excavations.

56. If the footway of any street be injured by or in consequence of any excavations or other works on lands adjoining thereto the Council may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Council by the owner of the lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

Trees or
 shrubs over-
 hanging
 streets and
 footpaths.

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

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

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

Height of
 buildings.

59. No new building shall without the approval of the Council be erected on the side of any street which shall exceed in

height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. Provided that the approval of the Council shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property. In determining the height of any building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be. In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge. In case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves :

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Provided that where any new building shall front to two or more streets the height of such new building shall be determined according to the width of the widest of such streets.

60. With respect to the height of chimneys the following provision shall have effect (that is to say) :—

Height of chimneys.

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

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

61. From and after the passing of this Act—

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

What to be deemed new buildings.

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

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

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

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

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

Power to
alter names
of streets,

62. The Council may with the consent of two-thirds in number and value of the ratepayers in any street alter the name of or rename such street or any part of such street and may without such consent renumber the buildings therein. The Council may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Any person who wilfully and without the consent of the Council obliterates defaces removes or alters any such name or number shall be liable to a penalty not exceeding forty shillings.

Yards to be
paved.

63. If any yard or open space in connexion with any dwelling-house erected before the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains the Council may give to the owner of such house notice in writing requiring him within fourteen days after such notice shall have been so given to proceed to form and to flag asphalt or pave such yard or open space for at least one hundred and fifty square feet immediately adjoining the offices of such house or for the whole extent of such yard or open space if the same be less than one hundred and fifty square feet in area so as to allow of the surface water being carried off to the drains and within twenty-eight days after such notice shall have been so given to complete such works and if such owner shall make default in complying with

any of such requirements within the respective times aforesaid the Council may execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Council by such owner and may be recovered summarily as a civil debt. A.D. 1904.

64. The Council may make byelaws with respect to the following matters :— Further bye-laws as to buildings.

(1) The materials with which new buildings shall be constructed :

(2) For providing in new buildings containing separate sets of chambers or offices or rooms constructed or adapted to be tenanted by different families or occupiers that the floors and staircases shall be of fire-resisting materials.

65. Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council 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.

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.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

(2) The Council shall within one month after the delivery of the plan and sections and specification signify in writing their

A.D. 1904. approval or disapproval of the intended building to the person proposing to erect or set up the same.

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

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of one month without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty not exceeding the like amount and the Council may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion.

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

- (A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district in respect to new buildings and any tent not remaining for more than seven days;
- (B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion ;

(c) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light ; and A.D. 1904.

(d) Buildings (other than a dwelling-house) erected or set up on the premises of any railway company and used for the purposes of their railway.

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

68. Where under the provisions of the Public Health Acts or this Act the Council have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively and the Council may if such separate sewers have been provided from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such house or premises the Council shall if they so desire at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply Provided also that for the purposes of this section so much of Creffield Road as is situate within the district shall be deemed to have been sewered to the satisfaction of the Council. Power to require separate sewers.

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Council may
require en-
larged
sewer.

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

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

70. The Council may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourse or outfall for water or for the removal of any obstruction from any watercourse or outfall for water. Provided always that the powers of this section shall not be exercised in connexion with any watercourse or outfall sewer over which the county council of Middlesex have jurisdiction or control without the consent in writing of that county council.

PART VI.

HOARDINGS AND SKY-SIGNS.

As to hoard-
ings for
advertising
purposes.

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

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

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

(4) Any consent or condition given or made under this section may be under the hand of the clerk or the surveyor. A.D. 1904.

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

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

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

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

- (i) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the surveyor;
- (ii) If any change be made in the sky-sign or any part thereof;
- (iii) If the sky-sign or any part thereof fall either through accident decay or any other cause;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky-sign

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is placed or attached if such addition or alteration involves the disturbance of the sky-sign or any part thereof; or

- (v) If the house building or structure over on or to which the sky-sign is placed or attached become unoccupied or be demolished or destroyed:

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

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

PART VII.

SANITARY PROVISIONS.

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

75. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or watercloset 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.

Water or stack pipes not to be used as ventilating shafts.

76. No water pipe stack pipe or down-spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain Any person who shall offend against this section after fourteen days from the service upon him by the Council of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Soil pipes to be ventilated.

77. 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 and 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 twenty shillings. A.D. 1904.

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

79. If any trade refuse materials or rubbish of a like description be deposited in any privy cesspool ashpit or dustbin the Council may make a reasonable charge for the removal of the same which charge shall be paid to the Council by the occupier of the premises in respect of which the charge is made and may be recovered summarily as a civil debt. Charge for
removing
trade refuse.

80. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles kept for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man. Cleaving of
cisterns.

81. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Provision
as to houses
without
water sup-
ply.

82. — (1) On complaint made on oath by the surveyor medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such surveyor medical officer Inspection
of drains &c.

A.D. 1904. or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain-water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the surveyor medical officer or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours' notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(2) If upon such inspection it shall be found that no nuisance exists or that the nuisance is not caused by or is not attributable to such drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work and apparatus the Council shall cause any of such works or apparatus which they may have taken up or disturbed to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(3) If upon such inspection any drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus is found to be in such a state as to cause a nuisance the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to abate the nuisance and if such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding

five pounds and to a daily penalty not exceeding forty shillings or the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

A.D. 1904.

(4) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

83. — (1) Whenever the medical officer has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining an order of a court of summary jurisdiction apply such test (except the test of water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein. Any owner or occupier who refuses notwithstanding such order to allow such test to be made shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Owners to permit drains to be tested.

(2) If the drains be found defective the owner or occupier of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the works and recover the costs thereof from the owner or other person liable under the lease or contract summarily as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

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

84. If it appear to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains of such house are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by

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

A.D. 1904. the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners summarily as a civil debt Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

85. 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.

Reconstruction of drains.

86. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Wilful damage to drains and water-closets.

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

Council may require old drains to be laid open for examination.

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

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

A.D. 1904.
—
Public conveniences and lavatories.

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

Urinals to be attached to refreshment rooms.

91. If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove such urinal or convenience or otherwise to reconstruct the same in such a manner and with such materials as may be required to abate the nuisance and remove the offence against public decency Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Council may require removal or alteration of urinals.

92. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established anew not only if it is newly established but also if

Defining the establishment of a new business.

A.D. 1904. it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Enlarging
definition of
nuisances.

93. For the purposes of the Public Health Act—

- (A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health;
- (B) Any gutter drain shoot stack pipe or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building;
- (C) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health;

shall be deemed to be a nuisance within the meaning of the said Act.

Power to re-
quire water-
closets or
earth-closets
for new
buildings.

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

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

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

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

A.D. 1904.
—
Apportionment of expenses in case of joint owners.

96. If it shall appear to the Council by the report of the surveyor medical officer or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well belonging to any house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Council may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed or taken away or to cause such cesspool receptacle ashpit or well to be so altered as to remove any such objection as aforesaid.

Provision for filling cesspools.

Where it appears that any such cesspool receptacle ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ashpit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Council may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owner or occupier in default summarily as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

97. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a fine not exceeding twenty pounds Provided that where a person is charged with an

Improper construction or repair of watercloset or drain.

A.D. 1904.

offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

PART VIII.

COMMON LODGING-HOUSES.

Regulations
as to com-
mon lodging-
house
keepers.

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

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

Sanitary
conveniences
in common
lodging-
houses.

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

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

(3) Any person who shall neglect or refuse to comply with any such notice shall be liable for each default to a penalty not

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

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

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

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

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

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

PART IX.

ACTON GREEN AND RECREATION GROUNDS.

102. The Council may from time to time exercise the following powers in regard to Acton Green (that is to say) they may— Powers of Council over Acton Green.

(A) Improve the Green so far as may be necessary or desirable for the purposes of health recreation and enjoyment ;

A.D. 1904.

- (B) Make and maintain roads footpaths and ways ;
- (C) Plant trees plants and shrubs for purposes of shelter or ornament and fell cut lop and manage the same and any other trees plants and shrubs on the Green and make and maintain so long as shall be necessary temporary enclosures for the protection of trees plants shrubs and turf ;
- (D) Erect shelters and lavatories :

Provided that in exercising the powers conferred by this section the Council shall not unduly interfere with hinder or prejudice any rights of common in or over Acton Green.

Power to make bye-laws in respect of Acton Green.

103. The Council may from time to time make byelaws for any of the following purposes relating to Acton Green (that is to say) :—

- (A) For preventing the injury or cutting of trees shrubs brushwood or other plants ;
- (B) For regulating the playing of games and athletic sports and for setting apart from time to time certain parts of Acton Green upon which persons may play games or hold athletic sports and for prohibiting the use for the purposes aforesaid of all or any parts thereof ;
- (C) For preventing or regulating riding and driving on Acton Green and the roads and footpaths thereon ;
- (D) For regulating the use of lavatories and the charges to be made for such use.

Compensation to commoners injuriously affected by byelaws.

104. The Council shall pay compensation to persons entitled to commonable rights (if any) who shall be injuriously affected by the exercise of any of the powers conferred upon the Council under the provisions of this Part of this Act or under any byelaws made thereunder and such compensation shall be settled by two justices in accordance with the provisions of the Lands Clauses Acts as in the case of claims for compensation under section twenty-two of the Lands Clauses Consolidation Act 1845.

Extending definition of public place and street for certain purposes.

105. Any place of public resort or recreation ground belonging to or under the control of the Council and any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same be deemed to be an open and public place and shall be deemed to be a street for

the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

A.D. 1904.

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

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

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

Every person who wilfully and indecently exposes his person ;

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

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire ;

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

106. The Council may set apart any portion of any park garden or pleasure ground for the time being belonging to or held by them for cricket bowls football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws for regulating the use of the portions of the park garden or pleasure ground so set apart.

Power to set apart and close pleasure grounds for games.

107. The Council may erect maintain furnish and equip and may remove band stands pavilions and other buildings and conveniences in the pleasure grounds or in any other park or garden belonging to or held by them which may be required or convenient for such ground park or garden or the public resorting thereto.

Council may erect band stands &c.

108. The Council may pay or contribute towards the payment of bands of music provided that the amount of such

Bands of music.

A.D. 1904.

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

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

Power to provide apparatus for games.

109. The Council may provide apparatus for games and recreation for the use of the public frequenting the public parks gardens and pleasure grounds and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and payment for the use of such apparatus.

Chairs and seats for public use.

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

Council may appoint constables.

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

Expenses and application of moneys received from admission to recreation grounds.

112. All expenses incurred by the Council in the exercise of the powers of this Part of this Act shall be paid out of the district fund and the moneys (if any) received by the Council under the section of this Act whereof the marginal note is "Bands of music" or from the admission of any person to any reading room pavilion conservatory assembly room or other

buildings or from the letting thereof or of any chairs refreshment rooms or other buildings or from the sale of programmes of any performance or concert shall (after providing in the case of such performance or concert for the expenses thereof) be carried to the credit of the district fund. A.D. 1904.

PART X.

FIRE BRIGADE.

113. Any police constable acting under the orders of his superior officer and any member of the fire brigade of the Council being on duty and any officer of the Council may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or any building or land adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire. Power to police constable to enter and break open premises in case of fire.

114.—(1) The captain or superintendent of the fire brigade of the Council or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fires whether by the fire brigade of the Council or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed. Captain of fire brigade or other officer to have control of operations.

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

115. The Council may subject to the sanction of the Local Government Board and under such conditions as that Board may prescribe from time to time erect on any land belonging to them and not specifically appropriated to other purposes such cottages Firemen's cottages.

A.D. 1904. as they think fit for the habitation of their firemen and may let the said cottages or any of them to such firemen on such terms and conditions at such rent or free from rent as the Council think fit.

Agreements with local authorities for common use of fire appliances.

116. The Council and the local authority of any borough or urban or rural district may enter into and carry into effect agreements for the common use of any fire-engines with their appurtenances and firemen belonging to the Council or such local authority or for mutual assistance in case of fire.

PART XI.

SLAUGHTER-HOUSES.

Slaughtering prohibited except in Council slaughter-houses when provide l.

117.—(1) At any time after the passing of this Act the Council may—

- (A) Acquire by agreement any premises within the district used for the purpose of slaughtering cattle (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee and occupier of such premises;
- (B) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of three years from the passing of this Act and after the Council have provided adequate slaughter-houses in convenient positions (to the satisfaction of the Local Government Board) and after the expiration of six calendar months from the date of publication by the Council in two local newspapers circulating in the district of notice to that effect no person shall slaughter in the way of trade any cattle within the district except in slaughter-houses provided by the Council but this shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade or by a farmer or agricultural occupier on his own premises. If any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(3) The Council shall pay compensation to the owner lessee and occupier of every slaughter-house who may be injuriously affected by the exercise of the above powers and the amount of such compensation shall in case of difference be settled as cases

of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly. A.D. 1904.

(4) The fees and charges to be demanded and received by the Council in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Local Government Board and the Council may make byelaws accordingly. Provided that the Council shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Council and the renters.

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Board of Agriculture and Fisheries made or granted thereunder.

118. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought within the district and any person offending against this enactment or exposing or depositing for sale within the district a carcase blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings. Prohibition of blowing or inflating carcasses.

PART XII.

LOCAL RATES.

119.—(1) From and after the passing of a resolution in that behalf by the Council the powers and duties of any assistant overseer or collector of poor rates for the parish of Acton and the power of the guardians of the Brentford Union and of any and every other authority to appoint assistant overseers or collectors of poor rates in respect of the said parish shall cease. Collection of local rates.

(2) The Council shall as from the date of the passing of such resolution take into their service or employment and shall appoint as assistant overseer any person who on the twenty-second day of March one thousand nine hundred and four held the office of collector of the poor rates for the parish of Acton. Provided that such person is at the date of the passing of such resolution in the occupation of that office and shall consent to be so taken over and such collector if so consenting shall hold office under the Council by the same tenure and on the same terms and conditions with respect to salary pension and in every other respect as nearly as may be as those upon which he held the said office of collector

A.D. 1904.

of poor rates on the said twenty-second day of March but subject to the terms of any agreement between such person and the Council and such person shall not be liable to be removed from his office under the Council without the consent of the Local Government Board.

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

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

(5) The Council may with the sanction of the Local Government Board pay a lump sum in commutation for any superannuation allowance payable under this section.

Form of rate and recovery of poor general district and other rates.

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

Assistants to overseers of Acton.

121. The Council may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Acton in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Council and

paid out of the poor rate and other local rates and funds in such proportion as the Council shall determine. A.D. 1904.

122. All books of account minutes of proceedings maps deeds papers and writings belonging to the parish of Acton now in the custody of the overseers or assistant overseers shall be deposited in the Council's offices at Acton and be there kept and preserved by the clerk and the ratepayers shall at all reasonable times have the same right of inspection of and making extracts from such books and minutes as they had prior to the passing of this Act. Custody of books.

PART XIII.

TRANSFER OF VESTRY POWERS.

123. From and after the date of the passing of this Act all and every right custom privilege or power except so far as relates to the affairs of the church or to ecclesiastical charities vested in or exerciseable by the parishioners ratepayers or inhabitants of the parish of Acton in vestry assembled shall cease to be so vested or exerciseable and all rights powers duties liabilities obligations privileges and immunities not exclusively ecclesiastical incident or attaching to such parishioners ratepayers or inhabitants in vestry assembled shall be incident and attach to the Council and be exerciseable by them. Transfer of powers of vestry to Council.

124. The powers duties and liabilities of the churchwardens of the parish of Acton except so far as they relate to the affairs of the church or to ecclesiastical charities or are powers and duties of overseers shall from and after the date of the passing of this Act be transferred to the Council and such transfer shall include the obligations of the churchwardens with respect to maintaining and repairing closed churchyards wherever the expenses of such maintenance and repair are repayable out of the poor rate under the Burial Act 1855 Provided that such obligations shall not be deemed to attach unless or until the churchwardens subsequently to the passing of this Act shall give a certificate as in the Burial Act 1855 provided in order to obtain the repayment of such expenses out of the poor rate. Transfer of civil powers of churchwardens to Council.

125. From and after the date of the death of the present vestry clerk Walter Adam Brown or from the date of the said Walter Adam Brown for any reason ceasing to be clerk of the vestry of the parish of Acton all powers of the inhabitants in vestry assembled of the parish of Acton to appoint a vestry clerk Power to appoint vestry clerk to cease and office of vestry clerk abolished.

A.D. 1904. shall cease and the office of clerk of the vestry of the parish of Acton shall be abolished and the powers and duties incident or attaching to such office shall be transferred to and exercisable by the persons who would have been liable or entitled to discharge the same respectively if no vestry clerk had been appointed by the vestry.

Agreement
with present
holder of
office.

126. The Council may resolve that the office of William Adam Brown as vestry clerk shall cease and determine and the office shall thereupon cease and determine accordingly and in such case the provisions of section 120 of the Local Government Act as set forth in the section of this Act the marginal note of which is "Collection of local rates" shall apply to the said William Adam Brown as if he were an officer entitled to compensation Provided that no such resolution shall be passed without the written consent of the said William Adam Brown.

PART XIV.

POLICE.

Street cries.

127. Every person who shall on Sunday in any street within the district cry or call out for sale any newspaper journal or serial or advertise by any cry or call any newspaper journal or serial or ring any bell or use any horn whistle or noisy instrument or create any noise whatsoever or howsoever for the purpose of selling any newspaper journal or serial or attract or attempt to attract the attention of any person or persons by means of any noise whatsoever whether vocal or otherwise for the purposes aforesaid or any of them shall for every such offence be liable to a penalty not exceeding forty shillings.

PART XV.

FINANCE.

Power to
borrow.

128. The Council may from time to time independently of any other borrowing power borrow at interest on the following securities any sums not exceeding the following (that is to say):—

(A) On security of the district fund and general district rate—

For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose ;

(B) On security of the revenue of the electric lighting undertaking of the Council and the district fund and general district rate— A.D. 1904.

For and in relation to the wiring of houses and the supply of electric fittings such sum as the Local Government Board may sanction :

And the Council may also with the approval of the Local Government Board borrow on security of the district fund and general district rate such sums as the Council may require for any of the other purposes of this Act.

In calculating the sums which the Council may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Council as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

129. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act whereof the marginal note is "Sinking fund" shall apply in lieu of the provisions of sections 15 and 16 of the Local Loans Act 1875. Mode of raising money.

130. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):— Provision as to mortgages.

Section 236 Form of Mortgage ;

Section 237 Register of Mortgages ;

Section 238 Transfer of Mortgages ; and

Section 239 Receiver may be appointed in certain cases.

131. All moneys borrowed under the powers of this Act for the payment of costs shall be repaid within five years from the passing of this Act (which period is herein-after referred to as "the prescribed period"). Repayment of borrowed moneys.

Other moneys borrowed with the approval of the Local Government Board under the powers of this Act (including moneys so borrowed under the provisions of the section of this Act the marginal note whereof is "Scheme for fixing equated periods for repayment of loans") shall be repaid within such periods as that Board may sanction.

A.D. 1904.

Mode of
payment off
of money
borrowed.

132. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking
fund.

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

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

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

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

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

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

at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1904.

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

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

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

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

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

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

A.D. 1904.

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

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

Sinking fund may be adjusted in certain events.

134. If the Council out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Return to Local Government Board as to repayment of debt.

135.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder or in regard to the electric lighting undertaking of the Council under the Public Health Acts or otherwise and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at

the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1904.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this or any other Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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

Power to re-borrow.

137. A person lending money to the Council shall not be bound to inquire as to the observance by the Council of any

Protection of lenders from inquiry.

A.D. 1904. — provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Saving for existing charges.

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

Council not to regard trusts.

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

Application of borrowed moneys.

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

Scheme for fixing equalised periods for repayment of loans.

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

No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without

modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act. Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme except with the consent of such mortgagee.

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

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

142. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of them as are properly chargeable to capital and payable out of borrowed moneys shall so far as the payment thereof is not otherwise provided for be paid out of the district fund or general district rate.

Expenses of execution of Act.

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

Audit of accounts.

PART XVI.

MISCELLANEOUS.

144. The Council may close to the public and reserve the exclusive use of any swimming bath belonging to them and may grant the use thereof to any company body or persons either gratuitously or for payment for swimming contests practices or exhibitions of aquatic exercises and may demand and take such sums for the exclusive use of such baths or for admission of persons thereto as they may think fit :

Power to close baths.

Provided that no such swimming bath shall be closed under the powers of this section for more than six hours on any one day or on more than two days in one week.

145. The Council may convert any clinkers or other refuse or surplus material or product arising in connexion with their

Power to manufacture slabs from

A.D. 1904.
 destructor
 refuse.

dust destructor into slabs of artificial stone bricks concrete mortar and other materials and for that purpose may purchase take on lease or otherwise acquire or may upon any lands for the time being vested in them and available for the purpose construct such buildings and works and may in connexion therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Council for repairing streets or for any other purposes connected with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any sales thereof to the credit of the district fund.

Power to
 take over
 control of
 main roads.

146. The Council may by agreement with the county council of Middlesex take over from the said county council the right and duty of maintaining and repairing any main road or any part of any main road within the district or any other right power duty or interest in any such road or part of a road which may for the time being be vested in the said county council and in the event of any such agreement being made such road or part of a road shall subject to the provisions of any such agreement be vested in and be under the control of the Council as if the Council had claimed (within the time allowed) to retain the right to maintain the same under the Local Government Act 1888 and the provisions of that Act shall subject as aforesaid apply accordingly.

Any agreement entered into under this section may be either for a term of years or in perpetuity and may be subject to any terms and conditions agreed between the Council and the county council of Middlesex.

Except during such time as any agreement made under this section shall be in force the Council shall with regard to any works affecting any main road within the district in respect of which under any Act relating to the Council or under any byelaw for the time being in force within the district plans sections or other particulars are required to be deposited or delivered to the Council require such plans sections and other particulars to be deposited with them in duplicate and shall forthwith upon the receipt of such plans sections or particulars forward a copy thereof to the said county council. Provided that except in cases of emergency the work shall not be proceeded with until seven days after the deposit of plans.

147. Notwithstanding anything contained in section 175 of the Public Health Act 1875 any lands acquired by the Council in pursuance of any powers in that Act contained and not required for the purpose for which they were acquired may with the approval of and subject to such conditions as may be imposed by the Local Government Board be retained and used by the Council for any other purpose in like manner as if they had been originally acquired for such last-mentioned purpose.

A.D. 19 4.
—
Lands ac-
quired for
some pur-
poses of Pub-
lic Health
Acts may
be used for
others.

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

In executing
works for
owner Coun-
cil not liable
for damages
save in case
of negli-
gence.

149.—(1) The Council may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to
grant gratui-
ties in cer-
tain cases.

(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.

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

General pro-
visions as to
byelaws.

151. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts V. and VII. of this Act or under any byelaw made under the powers of those Parts of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the

Penalty on
occupiers re-
fusing execu-
tion of Act.

A.D. 1904. occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Informations
by whom to
be laid.

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

Authenti-
cation and
service of
notices.

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

As to appeal.

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

Recovery of
penalties.

155. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and

expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as a civil debt.

A.D. 1904.

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

Damages and charges to be settled by justices.

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

Penalties to be paid over to treasurer.

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

Compensation to be determined under Public Health Acts.

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

Compensation may be in land.

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

Inquiries by Local Government Board.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses

A.D. 1904. — summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Evidence of appointments.

161. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be *primâ facie* evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Saving for indictments,

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

Powers of Act cumulative.

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

Crown rights.

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

Costs of Act.

165. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs of William Beach and William Taylor in opposing the

Bill for this Act and the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of electors aforesaid shall after taxation by the taxing officer of the House of Lords or House of Commons be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of the district fund or general district rate. A.D. 1904.

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