



CHAPTER liv.

An Act to confer further powers on the Urban District Council of Clacton in regard to the seashore recreation grounds and other matters and to make further and better provisions in regard to the health local government and improvement of their district and for other purposes. A.D. 1905.

[30th June 1905.]

WHEREAS the district of Clacton in the county of Essex (herein-after called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the urban district council of Clacton (herein-after called "the Council") :

And whereas it is expedient that better provision should be made with reference to the seashore and recreation grounds within the district and that the powers of the Council in relation to the health local government and improvement of the district should be enlarged and altered as by this Act provided :

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

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 26th day of October 1904 after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the East Essex Advertiser and Clacton News a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the

A.D. 1905. — expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said newspaper 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 11th day of January 1905 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:

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.

Short title. **1.** This Act may be cited as the Clacton Improvement Act 1905.

Act divided into Parts. **2.** This Act is divided into Parts as follows (that is to say):—

- Part I.—Preliminary.
- Part II.—Seashore.
- Part III.—Recreation Grounds.
- Part IV.—Streets Buildings &c.
- Part V.—Sanitary Provisions.
- Part VI.—Infectious Disease.
- Part VII.—Ice Creams.
- Part VIII.—Advertisements &c.
- Part IX.—Police and Street Traffic.
- Part X.—Hackney Carrages and Licences.
- Part XI.—Finance.
- Part XII.—Miscellaneous.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there is something in the subject or context repugnant to such construction (that is to say):—

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Interpreta-
tion.

“The district” means the urban district of Clacton;

“The Council” means the Council of the district;

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

“The clerk” “the surveyor” “the medical officer” and “the inspector of nuisances” mean respectively the clerk and surveyor to the Council and the medical officer of health and inspector of nuisances of the district and respectively include any persons duly authorised to discharge the duties of their respective offices;

“The seashore” means and includes the seashore foreshore and all the beach and sands within the district acquired by or which may hereafter become vested in the Council;

“Greensward” means land and property acquired by the Council lying between the road known as the Marine Parade and the seashore;

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

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

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

“Dairy” includes any farm farmhouse cowshed milkstore milkshop or other place from which milk is supplied or in which milk is kept for the purposes of sale;

“Dairyman” includes any cowkeeper purveyor of milk or occupier of a dairy;

“Public vehicle” means any vehicle to which the Town Police Clauses Acts 1847 and 1889 apply;

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“Sky sign” means any letter word 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” shall also include any balloon parachute or other similar device employed wholly or in part for the purpose of an 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 flag-staff pole vane or weathercock unless adapted or used wholly or in part for the purpose 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 authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council:

And the several words and expressions to which by the Public Health Acts meanings are assigned shall in this Act (except where otherwise expressly provided) have the same respective meanings unless there is something in the subject or context repugnant to such construction. A.D. 1905.

PART II.

SEASHORE.

4. The Council may make byelaws for the prevention of danger obstruction nuisance or annoyance to persons using the greensward and seashore and in particular may by such byelaws— Byelaws as to greensward and seashore.

- (1) Regulate the erection or placing on the greensward and seashore or on such part or parts thereof as may be prescribed by such byelaws (all of which are in this section included in the words "the seashore") of any booths tents sheds stands and stalls whether fixed or moveable or vehicles for the sale or exposure of any article or thing or any shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals or persons and the playing of any games on the greensward and seashore and generally regulate the user of the seashore and greensward for such purposes as shall be prescribed by such byelaws ;
- (2) Regulate the selling and hawking of any article commodity or thing on the greensward and the seashore ;
- (3) Regulate the user of the greensward and the seashore for riding and driving ; and
- (4) Provide for the preservation of order and good conduct among persons frequenting the greensward and seashore.

5. The Council may for the prevention of danger obstruction or annoyance to persons using the promenades make byelaws prescribing the nature of the traffic for which they may be used regulating the selling and hawking of any article commodity or thing thereon and for the preservation of order and good conduct among the persons frequenting the same. Byelaws as to promenades.

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Byelaws as
to bathing.**6.** The Council may make and enforce byelaws—

- (1) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine or tent and for prohibiting the use of any other place on the seashore for bathing without using a bathing machine or tent ;
- (2) For the preservation of decency and order at public bathing places on the seashore and for appointing and limiting the places on the seashore from which persons of the male and female sex may bathe together and from which they may bathe separately ;
- (3) For regulating the hours during which bathing may take place from public bathing places on the seashore and for prohibiting the use of such places except during the hours so fixed ; and
- (4) For prescribing the use of decent and sufficient bathing garments.

Tents and
huts for
bathing.

7. Section 171 of the Public Health Act 1875 and section 69 of the Town Police Clauses Act 1847 incorporated thereby so far as they are applicable shall extend and apply to tents and huts for bathing or shelter within the district.

Power to
license plea-
sure boats
&c.

8.—(1) The Council may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the boatmen or persons assisting in the charge or navigation of such boats and vessels and may charge a fee of not exceeding one shilling for every such licence.

(2) Any such licence may be granted for such period as the Council may think fit and may be suspended or revoked or endorsed by the Council whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of the power to suspend revoke or endorse the licence shall be plainly set forth in the licence itself.

(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel not so licensed.

(4) No person shall act as boatman or assist in the charge or navigation of any pleasure boat or pleasure vessel when let for hire or when carrying passengers for hire who is not licensed by the Council as aforesaid.

(5) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for any boatman or person assisting in the charge or navigation of such boat or vessel.

(6) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel and every owner of any such boat or vessel shall before permitting the same to be used for carrying passengers for hire paint or cause to be painted on a conspicuous part of the said boat or vessel the number of persons which it is licensed to carry and every such boat or vessel licensed as a sailing boat or vessel licensed to carry more than nine people shall carry two life-buoys.

(7) Every person who shall act in contravention of the provisions of this section shall for each offence be liable on summary conviction to a penalty not exceeding two pounds.

(8) Any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to a petty sessional court held for the district after the expiration of two clear days after such granting withholding suspension revocation or endorsement Provided that the person so aggrieved shall give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they see fit and to award costs to the successful party such costs to be recoverable summarily as a civil debt.

9. The Council may require the owner or lessee of any bathing machine to provide or employ boats boatmen and attendants and to provide life-saving apparatus for the purpose of ensuring the safety of bathers and may prescribe the qualification of such boatmen and attendants and the Council may employ and pay boatmen for the purpose of protecting persons whilst bathing.

For protection of bathers.

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PART III.

RECREATION GROUNDS.

Power to
set apart
portions of
recreation
ground for
games.

10. The Council may set apart any portion of any recreation ground (for the time being belonging to or held by them) for cricket football lawn tennis and other games for athletic sports 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 concerts or meetings of public or local interest or for any purposes tending to promote the health amusement and enjoyment of the inhabitants of the district and the public :

Provided that the portion of any recreation ground to be set apart under the provisions of this section shall not at any time exceed one-fourth part of the total area of such recreation ground.

Closing of
recreation
grounds.

11. The Council may when any portion of any recreation ground is used or set apart for any special purpose under the provisions of this Act close such portion against the public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation thereof or for the admission thereto of persons vehicles goods and things as they may think fit and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded but this section shall not extend to more than one recreation ground at any one time.

Power to
provide and
let chairs.

12. The Council may place or authorise any person or persons to place and maintain seats shelters and chairs in or on the greensward and seashore as defined by this Act or any recreation ground or other public place within the district 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 the use of seats shelters and chairs and for preventing injury and damage thereto.

Power to
contribute
towards
band.

13. The Council may pay or contribute towards the payment of a public band or bands of music provided that the amount of such payments or contributions out of the district fund or general district rate does not in any year exceed a sum equal to a rate of one penny in the pound on the assessable

value of the district for the purposes of the general district rate The Council may on the greensward seashore or any recreation ground or other public place enclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payment to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band 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.

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14. The Council may upon the greensward and in the face of the cliffs belonging to the Council or in any recreation ground erect provide maintain furnish and equip any pavilions assembly or reading rooms baths and other buildings which may be required or convenient for the purposes of the greensward cliffs or such recreation ground and the public resorting thereto and may charge for admission to such buildings or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Council shall not charge for admission to any reading room on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Council may erect reading rooms &c.

15. The Council may in any pavilions assembly rooms reading rooms baths or other buildings for the time being belonging to them or under their control upon the greensward or cliffs or in any recreation ground provide and carry on or arrange for the provision or carrying on of suitable entertainments exhibitions and amusements or may let for any period not exceeding seven years any such building for the purpose of such entertainments exhibitions or amusements upon such terms and conditions as they may think fit or may let the same for particular entertainments or exhibitions or for meetings.

Power to let pavilions or provide entertainments therein.

16. The Council may provide apparatus for games and recreation for the use of the public frequenting any recreation ground 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

Power to provide apparatus for games.

A.D. 1905. regulations with respect to the use and payment for the use of such apparatus.

Power to appoint officers.

17. The Council may appoint officers for securing the observance of this Part of this Act and of the byelaws and regulations 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 and nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Act 1890 relative to a police superannuation fund or superannuation allowances.

Application of moneys.

18. The moneys (if any) received by the Council under the provisions of any of the sections of this Part of this Act may after the payment of the expenses chargeable to revenue incurred by the Council in pursuance of such sections be applied towards the payment of or contribution to a band of music and such moneys so far as the same shall not be so applied shall be carried to the district fund.

PART IV.

STREETS BUILDINGS &c.

Approval of plans to be void after certain intervals.

19.—(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):—

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 the 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. A.D. 1905.

20. The Council may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with and approved by the Council in pursuance of any enactment for the time being in force in the district or of any byelaw thereunder. Retention of plans deposited with Council.

21. When any plans or sections of any new street are submitted to the Council for approval the Council may by order vary or alter the position direction or level of any intended street therein for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section. Power to vary position or direction of new streets.

22.—(1) The Council may (if in the circumstances of the case they think it expedient so to do) 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 would be unreasonable or impracticable for him to comply therewith. Prevention of formation of cul-de-sac.

(2) 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.

23.—(1) No new street shall be laid out so as to be more than two hundred yards in length without an intersecting street. Intersecting streets.

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

24. 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.

25. No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole No buildings allowed until streets formed.

A.D. 1905. length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof. Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Council may
define future
line of
streets.

26.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficient regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on the plan to be signed by and deposited with the surveyor and such plan shall 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 may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase money shall in the case of difference be settled by arbitration under the Arbitration Act 1889.

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

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by

reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

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(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.

27. 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.

28. It shall not be lawful for any person without the consent in writing of the Council first obtained (which consent shall not be unreasonably withheld) to lay any building materials rubbish or other thing or make any excavation on or in any street open for traffic 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 materials rubbish or thing or fill up any excavation (as the case may be) when required by the Council and if any person fail 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 two pounds 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.

Deposit of building materials or excavations.

29. If the footway of any street repairable by the inhabitants at large 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.

Injury to streets by excavation to be made good.

30. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footway so as to afford access to any premises from a street repairable

Crossings for horses or vehicles over footways.

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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 footway 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 reasonable 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 footway unless and until such communication as aforesaid has been so made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footway. Provided that nothing in this section shall be deemed to apply to the temporary crossing of footways during building operations if means satisfactory to the Council be taken to protect such footways from injury and for the convenience of passengers.

As to urgent repairs to private streets.

31.—(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.

(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 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.

Trees or shrubs overhanging streets.

32. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with vehicular traffic or with the light from any public lamp or to interfere 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 within one month to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

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33.—(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 section 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.

As to temporary and movable buildings.

(2) The Council shall within one month after the delivery of the plan and section and specification signify in writing their 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 arrangements 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 section and specification or after the disapproval of the Council or before the expiration of the said 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 of 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.

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(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 with 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 the discretion of the Council:
- (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.

Power to sell materials of temporary buildings.

34. Where a temporary or other building referred to in the section of this Act the marginal note whereof is "As to temporary and movable buildings" 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 such materials 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.

What to be deemed new buildings.

35. 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;

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 a dwelling-house ;

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The making of any addition to any existing building by raising any part thereof or making any projection therefrom but as 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.

36.—(1) 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 sixty degrees the measurement shall be to the ridge of the roof and not to the eaves. 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.

Height of buildings.

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

37. In case any building is after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so

Erection of buildings to greater height than adjoining buildings.

A.D. 1905. that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised. Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding twenty shillings.

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

38.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Council and in case the Council for the space of one month after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

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

(3) The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Means of escape from buildings in case of fire.

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

Nothing in this section contained shall be deemed to interfere with the operations 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. A.D. 1905.

40. If any land (other than land now forming part of any common) adjoining any street is 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 any 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 think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily as a civil debt. Fencing vacant land adjoining streets.

41. 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 the brook known as "Pickers Ditch" or for the removal of any obstruction from such brook or river. Council may take proceedings for preventing obstructions in water-course.

42. Nothing contained in this Part of this Act or in any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway. Exemption of certain property of railway companies.

43. Nothing in this Part of this Act shall override the rights or powers conferred on the Clacton-on-Sea and Saint Osyth Light Railway Company under and by the Clacton-on-Sea and Saint Osyth Light Railway Order 1904. For protection of Clacton-on-Sea and Saint Osyth Light Railway Company.

PART V.

SANITARY PROVISIONS.

44.—(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 Power to require water-closets or earth-closets to new buildings.

A.D. 1905. 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 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.

Conversion
of existing
closet ac-
commodation
into water-
closet.

45.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may by written notice to the owner of any building require any closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2) If the owner of any such building fails in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing.

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health then the Council shall bear and pay such sum towards the expenses incurred by them (not less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation

in pursuance of this section in any case in which they may not be required to bear any part of such expense. A.D. 1905.

(4) The notice under the provisions of this section shall state the effect of the provisions of this section.

46.—(1) Where any person deems himself aggrieved by any requirements of the Council under the two last preceding sections or disputes the reasonableness of the expenses charged to him by the Council under such sections such person may within fourteen days after the service of the notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties. Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question. As to appeal under two last preceding sections.

(2) Pending the decision of the court upon such appeal the Council shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

47. The Council may make byelaws with respect to water-closets and may by such byelaws prescribe the description nature size materials position and level thereof and of the apparatus and the manner of flushing the same and the means to be provided for the protection of the same from frost. Byelaws as to closet accommodation.

48. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds: Improper construction or repair of watercloset or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used

A.D. 1905. — due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

Wilful
damage to
drains water-
closets &c.

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

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

50. If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and if constructed by the Council may be recovered by the Council from such owners or occupiers summarily as a civil debt Provided that the Council shall not exercise the powers conferred by this section in respect of any houses plans for the drainage of which shall have been previously approved by the Council.

Reconstruc-
tion of
drains.

51. 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.

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

A.D. 1905.

Provision as to separate system of sewerage.

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

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

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

(C) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface-water drainage thereof and the Council may if they think fit make all such alterations.

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

Council may require enlarged sewer.

A.D. 1905.

Council may
make com-
munications
between pri-
vate drains
and their
sewers on
payment &c.

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

Cleansing of
cisterns.

55. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles used 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.

Provision
as to houses
without
proper water
supply.

56. 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.

Defining the
establish-
ment of a
new busi-
ness.

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

Owners &c.
to permit ap-
plication of
smoke or
other test to
drains.

58. Whenever the medical officer or the inspector of nuisances 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 the smoke or coloured water or other test 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 or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective the owner 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 work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

A.D. 1905.

59. 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 and lavatories in or under any street repairable by the inhabitants at large for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary conveniences (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 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.

Public conveniences and lavatories.

60. Where any inn public-house beerhouse 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 beerhouse eating-house or other place of public entertainment to provide and maintain on the premises for the use of persons frequenting the same a reasonably sufficient urinal or urinals Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings Provided that a refreshment room belonging to a railway company shall not be deemed to be an inn public-house

Urinals to be attached to inns &c.

A.D. 1905. beerhouse eating-house or other place of public entertainment within the meaning of this section.

Council may require removal or alteration of urinals &c.

61. 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.

Acts &c. to be deemed nuisances within Public Health Act 1875.

62. For the purposes of the Public Health Act 1875 —

- (1) 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 ;
- (2) 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 ;
- (3) 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.

Provisions as to filling up cesspools &c.

63. If it shall appear to the Council by the report of the medical officer surveyor 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 or underground cistern belonging to any such 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 well or cistern to be filled up or removed and any drain communicating with such cesspool or receptacle to be effectually disconnected destroyed and taken away or to cause such cesspool receptacle ashpit well or cistern to be so altered as to remove any such objection as aforesaid 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 owners or occupiers in default in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

A.D. 1905.

64. 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 emptying privies of trade refuse.

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

Regulation dustbins and tubs for ashpits.

66.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer the Council shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Council may declare them to be private improvement expenses and may recover them accordingly.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

A.D. 1905.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

(3) For the purposes of this section the expression "drain" includes any sewer or drain whether constructed before or after the passing of this Act with which two or more houses or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time hereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such houses or premises directly or by means of any other sewer or drain into any public sewer situate under a street repairable by the inhabitants at large but shall not include any sewer which has been constructed to the satisfaction of the Council under section 152 of the Public Health Act 1875 or any sewer which has been constructed by the Council for the effectual drainage of the district.

PART VI.

INFECTIOUS DISEASE.

Filthy and dangerous articles to be purified.

67.—(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 the risk of or to check infectious disease the Council may if they think fit 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.

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

Dairymen to furnish lists of sources of supply of milk and of persons supplied in certain cases.

68. 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 every 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.

A.D. 1905.
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69. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the Council or to the medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy so 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.

Dairymen to notify infectious disease existing among their servants &c.

70. 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 so he shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

71. 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.

72. Whenever it shall be certified to the Council by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such persons to furnish to them a full and complete list of the names and addresses of the owners of

Laundries to supply list of customers.

A.D. 1905. clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein Any person who wilfully or knowingly fails to comply with a requirement of the Council under this section shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to medical officer to examine school children.

73. 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 permits 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 pupils in certain cases.

74. Whenever any scholar who attends any school within the district shall be known to 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 after the rate of sixpence for every twenty-five scholars named therein.

75. 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.

A.D. 1905.
Penalty on guardian permitting infected child to attend school.

If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

76. No person shall take out of any public 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 shall at once give notice that it has been exposed to infection to the medical officer or to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or owner 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 in lending libraries.

77. 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.

Byelaws regulating hospitals.

78. 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 the Council shall make compensation to him for any loss he may sustain by reason of such stoppage.

Power to compensate persons ceasing employment.

79. 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 services of any nurse so provided.

Council may provide nurses.

A.D. 1905.

Certificate
required be-
fore removal
by railway
&c. of body
of person
dying of in-
fectious
disease.

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

Prohibiting
conveyance
of infected
persons in
public
vehicle.

81. It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a fine not exceeding forty shillings.

Driver &c. of
infected per-
son to give
notice.

82. 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.

Provision as
to retailers
of milk.

83. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to

be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the district for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets. A.D. 1905.

84.—(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 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.

Cleansing of infected house and removal of persons therefrom.

(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) 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

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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.

(5) When the Council have disinfecting any house or 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 or 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.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation or any vessel lying in any harbour or other water or ex adverso of any place within the district.

(7) The Council may for the purpose of providing such temporary shelter as aforesaid—

Themselves build a place of reception; or

Contract for the use of any place of reception.

Any expenses incurred by the Council under this section shall be paid out of the district fund and general district rate.

PART VII.

ICE CREAMS.

85.—(1) 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 or any materials used in the manufacture thereof to

For regula-
ting manu-
facture and
sale of ice
cream &c.

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.

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

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

As to dealers
in ice cream.

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

Inspection of
premises.

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

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PART VIII.

ADVERTISEMENTS &c.

Restriction
on hoard-
ings.

88.—(1) Every hoarding or similar structure in or abutting on or adjoining any street or so near to any street that it might if not supported fall thereon shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure 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 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 in the event of any paper affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such paper.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any consent or condition given or made under this section may be under the hand of the clerk or surveyor.

(6) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction 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' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

89.—(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:

A.D. 1905.

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 any 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 is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;
- (v) If the house building or structure over on or to which the sky sign is placed or attached becomes 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 the 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.

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PART IX.

POLICE AND STREET TRAFFIC.

Unfenced ground and beach and seashore to be deemed public place or street for certain purposes.

90. Any unfenced ground adjoining or abutting on any street and the beach and the seashore shall for the purposes of the Vagrancy Act 1824 and any Act amending the same be deemed to be a public place and shall be deemed a street for the purposes of sections 24 25 and 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:—

Every person who slaughters or dresses any cattle or any part thereof except in the case of any cattle overdriven which may have met with any accident and which for public safety or other reasonable cause ought to be killed on the spot ;

Every person who suffers to be at large any unmuzzled ferocious dog or sets on 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 throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any fireworks ;

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

For the purposes of this section the expression "seashore" means and includes the seashore foreshore and all the beach and sands within the district.

91. Any person who shall frequent and use any public street or any open space in the district either on behalf of himself or of any other person for the purpose of bookmaking betting or wagering or agreeing to bet or wager or paying or receiving or settling any bet or wager or receiving or paying any money as or in respect of any bet or wager shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds and for the third and every subsequent offence fifty pounds.

A.D. 1905.
Betting.

92. 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.

Regulation
of traffic at
fires.

93. 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 con-
stables &c. to
enter and
break open
premises in
case of fire.

94. 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 fire whether by 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 opera-
tions.

95. Every person who shall on Sunday in any street within the district cry or call out for sale any newspaper

Street cries.

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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 X.

HACKNEY CARRIAGES AND LICENCES.

Powers of
inspector of
hackney car-
riages.

96. Any person appointed by the Council in writing may examine all hackney carriages and other public vehicles plying for hire within the district and shall see that the laws and byelaws relating to such public vehicles are duly observed.

If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Occasional
licences may
be granted.

97. An occasional licence for a public vehicle may be granted by the Council to be in force for such day or days or other period less than a year as may be specified in the licence.

As to public
vehicles
taken at
railway sta-
tions.

98. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Council with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the district conveying passengers to or from any railway station within the district as if such railway station were a public stand for public vehicles:

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

Power to
license per-
sons follow-
ing certain
callings.

99.—(1) The Council may grant to any person they think fit a licence to carry on the calling of porter messenger or commissionaire and may charge a fee of one shilling for any such licence.

(2) Any licence issued by the Council under this section may be granted for a year or for any less period as the Council may think fit and may be suspended or revoked or endorsed by the Council whenever they shall deem such suspension revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of this power to suspend revoke or endorse a licence shall be plainly set forth in the licence itself. A.D. 1905.

(3) Every such licence whensoever issued shall expire on the first of January next following the date of its issue and may contain conditions as to the badge which the holder of any such licence shall wear.

(4) If any person feels himself aggrieved by the suspension or revocation of his licence he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear expedient.

(5) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

PART XI.

FINANCE.

100. The Council may from time to time borrow at interest on the security of the district fund and general district rate— Power to borrow.

(1) For payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" such sum as may be ascertained as herein-after provided;

(2) For any of the purposes of Part III. of this Act or for any other purposes of this Act such sums as the Local Government Board may from time to time sanction:

And in calculating the amount which the Council may borrow under the provisions of any other enactment the amount which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing

A.D. 1905. — and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Council under this Act as if they were with necessary modifications re-enacted in this Act.

Protection of
lenders from
inquiry.

101. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Periods for
payment off
of money
borrowed.

102. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (herein-after referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purpose (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" five years from the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board such period not exceeding sixty years as they may think fit to sanction.

Mode of
repayment
of borrowed
money.

103. The Council shall pay off all moneys borrowed by them on mortgage under the authority of this Act by yearly or half-yearly instalments or by means of a sinking fund or partly by such instalments and partly by a sinking fund. The first payment by instalments or to a sinking fund shall be made within twelve months from the date of borrowing the money in respect of which such payment is to be made. Provided that when the payments shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking
fund.

104.—(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 to vary and transpose such investments.

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

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

(5) — (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the 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.

A.D. 1905.

(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.

(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 or purposes as the Council with the consent of the Local Government Board may determine.

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105. The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if so 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.

Return to
Local Government
Board as to
repayment of
debt.

If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or 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

A.D. 1905. — 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.

Power to
re-borrow.

106. The Council may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under the foregoing provisions of this Act on the same becoming repayable or for paying off any part of any of such principal moneys which they can borrow at a lower rate of interest. Provided as follows:—

- (1) The time for repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed:
- (2) For the purpose of repayment all moneys so re-borrowed and the moneys originally borrowed shall be deemed the same loan:
- (3) The Council shall not re-borrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

Power to
borrow under
Local Loans
Act.

107. The Council if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same revenue funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such revenue funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875. Every such loan shall be discharged within the respective periods prescribed by this Act.

The section of this Act of which the marginal note is "Sinking fund" shall apply to any sinking fund provided by the Council for the repayment of any moneys so borrowed by

them under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act. A.D. 1905.

108. 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. Application of moneys borrowed.

109. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and 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 been passed. Saving existing charges.

110. The Council shall not be bound to see to the execution of any trust whether expressed or 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 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 encumbrance 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 moneys paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such moneys. Council not to regard trusts.

PART XII.

MISCELLANEOUS.

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

A.D. 1905.] part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Power to grant gratuities in certain cases.

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

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Council may provide ambulances.

113. The Council may provide ambulances for use in case of sickness and accident happening within the district and may maintain and keep the same in good order with all necessary horses and attendants and may allow the same to be used by other authorities and persons upon such terms as to payment or otherwise as may be agreed between the parties.

Informations by whom to be laid.

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

Evidence of appointments authority &c.

115. 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 or the clerk of the Council shall be *prima 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.

General provisions as to byelaws.

116. The provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act Provided that the Secretary of State shall be the

confirming authority for byelaws made under the sections of this Act the marginal notes whereof respectively are "Byelaws as to greensward and seashore" and "Byelaws as to promenades." A.D. 1905.

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

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

119. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part IV. and Part V. 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 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 Penalty on
occupiers re-
fusing exe-
cution of
Act.

A.D. 1905. — discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Persons acting in execution of Act not to be liable.

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

Damages and charges to be settled by justices.

121. 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 any offender is convicted.

Penalties to be paid to treasurer.

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

Recovery of penalties.

123. 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 civil debts.

Compensation &c. how to be determined.

124. 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 may be in land &c.

125. 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. A.D. 1905.

126. 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. Saving for indictment.

127. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Council or liable to any rate. Judges &c. not disqualified.

128. 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 any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. Powers of Act cumulative.

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

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

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries

A.D. 1905. — referred to in this section including the expenses of any witnesses 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.

Expenses incurred by Council.

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

Crown rights.

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

Costs of Act

133. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing master of the House of Lords or of the House of Commons and the costs incurred by the Council in or with the object of complying with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the authority of this Act for that purpose.

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