



CHAPTER lxxxvi.

An Act to confer further powers upon the urban district council of King's Norton and Northfield with respect to tramways and electric lighting and to make further and better provision for the good government of the said district and for other purposes. [26th July 1907.] A.D. 1907.

WHEREAS the urban district of King's Norton and Northfield in the county of Worcester is an urban district (in this Act called "the district") within the meaning of the Local Government Act 1894 and is under the jurisdiction of the King's Norton and Northfield Urban District Council (in this Act called "the Council") and the Council are the local authority of the district within the meaning of the Tramways Act 1870:

And whereas by the King's Norton and Northfield Urban District Tramways Act 1901 (in this Act called "the Act of 1901") the Council were authorised to construct certain tramways within and without the district and to work the same and to exercise other the powers in reference thereto contained in the said Act:

And whereas by the King's Norton and Northfield Urban District Council Tramway Order 1905 confirmed by the Tramways Orders Confirmation (No. 2) Act 1905 (in this Act called "the Order of 1905") the Council were authorised to construct and work the tramway therein mentioned and to exercise other powers in relation thereto:

And whereas under the provisions of the Birmingham and Suburban Tramways Order 1882 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1882) the Birmingham and Western Districts Tramways Order 1882 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1882) and the Birmingham

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And whereas under the provisions of the Birmingham Central Tramways (Extension) Order 1886 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1886) and the City of Birmingham Tramways Act 1897 certain other tramways (in this Act called "the Bristol Road Tramways") were constructed within the district and became vested in the tramway company and as provided by the City of Birmingham Tramways Act 1901 it was agreed between the Council and the tramway company that the Council as the local authority aforesaid shall not exercise their right to purchase such tramways until the thirtieth day of June one thousand nine hundred and eleven:

And whereas it is expedient that the time limited by the Act of 1901 for the construction of certain of the tramways thereby authorised should be extended and that further provision should be made relating to the Moseley and King's Heath tramways and the Bristol Road tramways and other the tramways belonging to the Council as by this Act provided:

And whereas by the King's Norton Electric Lighting Order 1898 confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1898 (in this Act called "the Order of 1898") the Council are empowered to produce and supply electrical energy within the parishes of King's Norton and Northfield and it is expedient to make further provision with respect to the supply of electrical energy by the Council:

And whereas the population of the district is over seventy-seven thousand and the assessable value thereof is upwards of three hundred and twenty-five thousand pounds:

And whereas it is expedient that further and better provision should be made with reference to streets buildings sewers and recreation grounds within the district and that the powers of the

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Council in relation thereto and to the health local government and improvement of the district should be enlarged and extended: A.D. 1907.

And whereas it is expedient that further borrowing powers should be conferred on the Council for the purposes of this Act:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas at a meeting of the Council held on the twenty-ninth day of November one thousand nine hundred and six after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Birmingham News a newspaper published and circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) it was by an absolute majority of the whole number of the Council resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the district:

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 twenty-fourth day of January one thousand nine hundred and seven 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.

1. This Act may be cited as the King's Norton and Northfield Urban District Council Act 1907. Short title.

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Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Tramways.
- Part III.—Electricity.
- Part IV.—Streets Buildings and Sewers.
- Part V.—Baths and Recreation Grounds.
- Part VI.—Sky-signs and Hoardings.
- Part VII.—Sanitary Provisions.
- Part VIII.—Infectious Diseases.
- Part IX.—Tuberculosis.
- Part X.—Public Vehicles.
- Part XI.—Slaughter-houses.
- Part XII.—Fire Brigades.
- Part XIII.—County Bridges.
- Part XIV.—Finance.
- Part XV.—Legal Proceedings.
- Part XVI.—Miscellaneous.

Incorporation of Act.

3. The provisions of section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Public Health Acts have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The district” means the urban district of King's Norton and Northfield;

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

“The county council” means the county council for the administrative county of Worcester;

“The clerk” “the treasurer” “the medical officer of health” “the surveyor” and “the inspector of nuisances” mean respectively the clerk the treasurer the medical officer of health the surveyor and the inspector of nuisances for

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the district and respectively include any person duly authorised from time to time to discharge the duties of those officers ; A.D. 1907.

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

“The Order of 1898” means the King's Norton Electric Lighting Order 1898 ;

“The Act of 1901” means the King's Norton and Northfield Urban District Tramways Act 1901 ;

“The Order of 1905” means the King's Norton and Northfield Urban District Council Tramway Order 1905 ;

“The tramways” means any tramways for the time being belonging to the Council ;

“The tramway undertaking” means the tramway undertaking of the Council for the time being authorised ;

“Tramway revenue” means all revenue of the tramway undertaking and whether by way of rent or otherwise ;

“Mechanical power” includes steam electrical and every other motive power not being animal power ;

“Engine” includes motor ;

“The Moseley and King's Heath tramways” means the tramways within the district authorised by and maintained and worked under or subject to the several Orders and Acts set out in the First Schedule to this Act ;

“The Bristol Road tramways” means the tramways within the district authorised by and maintained and worked under or subject to the several Orders and Acts set out in the Second Schedule to this Act ;

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

“Drain” includes any sewer which is not vested in the Council ;

“Closet accommodation” means any receptacle for human excreta and the fittings and apparatus connected therewith ;

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

“Dairy” includes any farm farmhouse cowshed milk store 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;

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

(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of an 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 ;

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“Recreation ground” means any public park garden or recreation ground for the time being belonging to the Council or under their control ;

“The Public Health Acts” means the Public Health Act 1875 and any Act amending the same ;

“Owner” and “street” have the same respective meanings as they have in the Public Health Act 1875 ;

“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 ;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.

TRAMWAYS.

5. The time limited by section 17 of the Act of 1901 for the completion of the tramways thereby authorised is hereby extended in respect of such of the tramways as on the passing of this Act are not completed for a period of five years from the twenty-sixth

Extension of time for completion of tramways authorised

A.D. 1907. day of July one thousand nine hundred and eight and on the
by Act of expiration of that period the powers by that Act granted to the
1901. Council for executing the same or otherwise in relation thereto
shall cease except as to so much thereof as shall then be completed.

Reconstruc-
tion of tram-
ways and
construction
of electric
works.

6. The Council may reconstruct any tramways for the time being belonging to them and make such alteration thereof as may be necessary or expedient for working the same by animal or mechanical power and for the purpose of working any of the tramways by mechanical power the Council may place construct erect lay down make and maintain in on under or over any street such posts conductors wires apparatus subways tunnels cables tubes channels conveniences and openings as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power or for the transmission of power to such tramways.

Power to
remove
tramways
and utilise
materials.

7. In reconstructing the tramways or any of them the Council may take up and remove the tramways so to be reconstructed or any of them and may discontinue and suspend the traffic thereon for such period as may be necessary for reconstructing the tramways or any of them and may sell dispose of or utilise in such reconstruction all or any of the materials now forming the tramways so to be reconstructed or any of them.

Incorporating provisions of Act of 1901 and Order of 1905.

8. Section 9 (Application of section 30 of the Tramways Act 1870 to overhead wires) and section 12 of the Order of 1905 and the sections herein-after set forth of the Act of 1901 are hereby incorporated with this Part of this Act and shall with the necessary modifications extend and apply to the reconstruction of the tramways mentioned in the section of this Act the marginal note whereof is "Reconstruction of tramways and construction of electric works" and to the Council in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto (that is to say):—

Section 5 Inspection by Board of Trade ;

Section 6 Tramways to be kept on level of surface of road ;

Section 8 Gauge of tramways ;

Section 9 Rails of tramways ;

Section 10 Penalty for not maintaining rails and roads ;

Section 15 Temporary tramways may be made where necessary ;

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- Section 28 Attachment of brackets to buildings ; A.D. 1907.
Section 30 Special provisions as to use of electrical power ;
Section 32 Mechanical power works to be subject to
section 30 of Tramways Act 1870 ;
Section 40 Paving in front of churches chapels and other
institutions.

9. Sections 13 and 14 of the Act of 1901 and section 10 of the Order of 1905 are hereby repealed and in lieu thereof the following provisions shall apply to the tramways :—

Power to
make addi-
tional cross-
overs and to
double tram-
way lines.

(1) The Council may subject to the provisions of this Act and with the previous consent of the road authority where the Council are not the road authority make maintain alter and remove such crossovers passing-places sidings junctions and other works in addition to those specially authorised as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses engine-houses stables depôts or carriage-house or works of the Council :

(2) The Council may with the consent of the Board of Trade and the road authority where the Council are not the road authority lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines or double or single lines in lieu of interlacing lines on any of the tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Council may with the consent of the road authority where the Council are not the road authority construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit :

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Council shall (not less than one month before commencing the works) give notice in writing

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to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Board of Trade) be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Council within two weeks after receiving the notice from the Council express their objection thereto.

Temporary stoppage of streets.

10. The Council may (with the consent of the road authority where the Council are not the road authority) during the execution and for the purposes of any work authorised by this Act or authorised by the Act of 1901 or by the Order of 1905 as amended by this Act stop up any street and prevent all persons other than those bonâ fide proceeding to or returning from any house in the street from passing along and using the same for any reasonable time and the Council shall provide reasonable access for all persons so bonâ fide proceeding to or returning from any such house.

Council may reduce width of footway.

11. For the purpose of constructing or reconstructing any of the tramways in any street within the district the Council may with the consent of the road authority where the Council are not the road authority increase the width of the carriageway of such street by reducing the width of the footway on each or either side of such street Provided that no footway shall be reduced so as to be less than six feet wide.

Junctions with tramways.

12. The Council may form junctions between any of the tramways or between any of the tramways and any other tramway or light railway which can be worked in connexion therewith but only (except where otherwise provided) with the consent of the owners and lessees of such tramway or light railway.

Shelters or waiting-rooms.

13. The Council may in connexion with their tramway undertaking erect and maintain shelters or waiting-rooms for the accommodation of passengers and of the Council's servants and for that purpose may use portions of the public streets and roads.

Council may appoint stopping and starting places.

14. The Council may by resolution appoint the stations and places from which the carriages used on any of the tramways shall start or at which they may stop for the purpose of taking

up or setting down passengers and may make regulations for fixing the time during which such carriages shall be allowed to remain at any such place and for enforcing order at any such place and no carriage used on any of such tramways shall except for safety and prevention of accidents stop except at such stations stopping and other places as aforesaid. The term "carriage" in this section shall include any engine used on the tramways. A.D. 1907.

15. Section 18 of the Act of 1901 is hereby repealed and in lieu of the fares thereby authorised the Council may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Council be bound to charge a less sum than one penny. Provided that the Council may appoint stages upon the tramways each of not less than half a mile in length and may demand and take from every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any fare not exceeding one penny for each two stages or portion of that distance travelled and for this purpose the fraction of a stage shall be deemed a stage. Passengers' fares.

16. The Council may run through cars along any of the routes of the tramways or any specified portion thereof and such cars shall be distinguished from other cars in such manner as may be directed by the Council and they may demand and take for every passenger by such cars a fare or charge not exceeding the maximum fare allowed by this Act for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car. As to running through cars.

17. Section 47 (Temporary use of omnibuses) of the Act of 1901 is hereby repealed and in lieu thereof and substitution therefor the following provisions shall apply:— Council may run omnibuses.

The Council may provide maintain and run omnibuses (whether moved by animal or by mechanical power) within the parishes of King's Norton and Northfield in connexion with the tramways when the running of carriages thereon is impracticable or during the construction reconstruction alteration or repair thereof or in extension or prolongation of any of such tramways or for the purpose of connecting together any of such tramways and also for testing the amount of traffic along any route or between any particular

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points and the Council may demand take and recover tolls and fares for the use of such omnibuses. Provided that any omnibuses moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General and that all the provisions of the Conveyance of Mails Act 1893 relating to the conveyance of mails on tramways shall apply and have effect in relation to the omnibuses provided under this section as if such omnibuses were carriages on tramways authorised by an Act passed after the first day of January one thousand eight hundred and ninety-three.

Penalty for malicious damage.

18. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the tramways anything which is calculated to obstruct or interfere with the working of such tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway shall be liable to a penalty not exceeding twenty pounds.

Provision as to general Tramway Acts.

19. Nothing in this Act contained shall exempt the Council or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares or charges authorised in respect of any of the tramways.

Substitution of provisions relating to Moseley and King's Heath and Bristol Road tramways.

20. The provisions of the several Acts and orders set out respectively in the First Schedule and the Second Schedule to this Act shall cease to apply to the tramways within the district in manner following (that is to say):—

- (A) From and after the date of the passing of this Act the provisions of the Acts and orders set out in the First Schedule to this Act shall cease to apply to the Moseley and King's Heath tramways:
- (B) From and after the date of purchase by and transfer to the Council of the Bristol Road tramways the provisions of the Acts and orders set out in the Second Schedule to this Act shall cease to apply to the Bristol Road tramways;

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and from and after the said dates respectively the provisions of the Act of 1901 and the Order of 1905 as amended by this Act and the provisions relating to tramways of this Act shall be substituted therefor and shall so far as the same are or may be applicable extend and apply to the maintenance alteration reconstruction of and working of the said tramways and to the Council in relation thereto in lieu of such respective provisions as are contained in the Acts and orders set out respectively in the said First and Second Schedules : A.D. 1907.

Provided that the provisions of this section shall not apply to any provision contained in any of the Acts or Orders set out in the First and Second Schedules to this Act for the protection of a road authority in respect of main roads now vested in the county council.

21.—(1) Nothing in this Act shall operate or authorise the Council to interfere with the tramways worked by the tramway company under the lease dated the eighteenth day of August one thousand nine hundred and five granted by the Council to the tramway company (herein-after in this section referred to as “the leased tramways”) nor shall the Council run omnibuses under the provisions of this Act along the route of the leased tramways or of any tramways now belonging to the tramway company so as to prejudice by competition the interest of the tramway company in the tramways leased or owned as aforesaid or the rights and interests of the tramway company under the said lease. For protection of
City of
Birmingham
Tramways
Company
Limited.

(2) The provisions of the section of this Act whereof the marginal note is “As to running through cars” shall not apply to any of the tramways leased as aforesaid by the tramway company within the district but nothing herein contained shall alter or affect the provisions of the twenty-fifth clause of the said lease as to running powers.

22. For the protection of the Midland Railway Company (herein-after in this section called “the Midland Company”) the following provisions shall apply and have effect :— For protection of
Midland
Railway
Company.

(1) Section 41 of the Act of 1901 (For protection of Midland Railway Company) so far as the same is applicable shall apply to the works for the reconstruction of tramways and construction of electric works by this Act authorised :

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- (2) The Council shall pay to the Midland Company any additional expense which it may be necessary for the Midland Company to incur in altering or maintaining or in effecting any widening strengthening reconstruction alteration or repairs to any bridge belonging to them at the date of the passing of this Act (herein-after called "the said bridge") or which at the date of the passing of this Act they are liable to repair or any of the works connected therewith by reason of the execution of the works by Parts II. and III. of this Act authorised Provided that the Midland Company shall give the Council fourteen days notice of their intention to carry out any widening strengthening reconstruction alterations or repairs under the provisions of this section :
- (3) If having regard to the position of the works of the Council when considered in relation to the position of the works of the Midland Company at any point where the wires of the Midland Company pass over or under the tramways it is necessary that the electric telegraphic telephonic or signal wires or apparatus belonging to or maintainable by the Midland Company should be altered the Midland Company may execute any works reasonably necessary for such alteration and the reasonable expenses of executing such works shall be borne by the Council :
- (4) Any question as to whether it is necessary that any alteration should be made in accordance with subsection (3) or whether any work is reasonably necessary or as to the amount of the reasonable expense of executing any work under subsections (2) and (3) shall be deemed a matter in difference between the Council and the Midland Company :
- (5) If and when the Midland Company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Council has been placed the Council shall upon the written request of the company adopt such means as may be reasonably necessary to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting :

- (6) The Council shall not for the purpose of electric traction A.D. 1907.
make attachments to any part of the said bridge
without the consent in writing of the principal
engineer of the Midland Company (which consent
shall not be unreasonably withheld) such attachments
to be in all respects subject to the reasonable
approval of the said engineer and to be temporarily
removed at any time when required by him in con-
nexion with the maintenance and reconstruction or
alteration of the said bridge:
- (7) All works which may be necessary in constructing and
maintaining the tramways or working the same by
mechanical power over or under the said bridge
which shall affect the structural works of the said
bridge shall be constructed and maintained in all
things at the expense of the Council and to the
reasonable satisfaction of the principal engineer of the
Midland Company in such manner and according to
plans sections and specifications to be previously
submitted to and reasonably approved by him:
- (8) Any matter in difference that may arise between the
Midland Company and the Council under this section
shall unless otherwise agreed be settled by arbitration
by an engineer or other fit person to be nominated
by the Board of Trade on the application of the
Council or the Midland Company and the provisions
of the Arbitration Act 1889 shall apply to any such
arbitration.

23.—(1) It shall be lawful for the Postmaster-General in
any street or public road or part of a street or public road in
which he is authorised to place a telegraph to use for the support
of such telegraph any posts and standards (with the brackets
connected therewith) erected in any such street or public road by
the Council in connexion with the tramways and to lengthen adapt
alter and replace such posts standards and brackets for the purpose
of supporting any telegraph and from time to time to alter any
telegraph so supported subject to the following conditions:—

As to user of
tramway
posts and
standards by
Postmaster-
General.

- (A) In placing maintaining or altering such telegraph no
obstruction shall be caused to the traffic along or the
working or user of the tramways:

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- (B) The Postmaster-General shall give to the Council not less than twenty-eight days notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference between the Council and the Postmaster-General as to any matter referred to in such notice shall be determined as herein-after provided :
- (c) Unless otherwise agreed between the Postmaster-General and the Council the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Council or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Except as otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires In case of difference the conditions of attachment shall be determined as herein-after provided :
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the

powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair: A.D. 1907]

- (g) The Postmaster-General shall make good to the Council and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Council their officers and servants:
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Council and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Council or failing agreement determined as hereinafter provided:
- (i) The Council shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Council their officers or servants:
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Council the value of the same Provided that if the Council or the body having the control of the street

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or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Council from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

(5) The expression "Council" includes their lessees.

PART III.

ELECTRICITY.

Power to lay electric mains in streets not dedicated to public use.

24. The Council may on the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to public use within the district supply such premises with electrical energy and may in accordance with and subject to the provisions contained in the Order of 1898 so far as such provisions are applicable lay down take up alter relay or renew in across or along such street or road such electric mains cables and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street or road had been specified in the Third Schedule to the said order but doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers.

Electricity consumers to give notice to Council before re-moving.

25.—(1) Twenty-four hours notice in writing shall be given to the Council by every consumer before he shall quit any premises supplied with electrical energy by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such

supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply electrical energy to such premises whichever shall first occur. A.D. 1907.

(2) Notice of the effect of this enactment shall be contained in or endorsed on every demand note for charges for electrical energy.

26. The Council may enter into and carry into effect agreements for the supply of electrical energy in bulk for tramway purposes by the Council to the corporation of Birmingham or to any company for the time being authorised to work tramways within the city of Birmingham. Supply of electrical energy outside district.

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

No lamp meter motor electric line fuse switch lampholder fitting apparatus or thing let for hire by the Council under the provisions of this section shall be subject to distress or to the landlord's remedy for rent or to be taken in execution under any process of law or equity or any proceeding in bankruptcy against the person or persons in whose possession the same may be. Provided that such lamp meter motor electric line fuse switch lampholder fitting apparatus or thing is marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

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As to supply of electrical energy where consumer has separate supply.

28. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 or in the Order of 1898 a person shall not be entitled to demand from the Council a supply or the continuance of a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Council such minimum annual sum as will give to the Council a reasonable return on the capital expenditure and will cover other standing charges incurred by them to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration under the Electric Lighting Act 1882.

Altering date for filling up annual accounts for electric lighting.

29. Notwithstanding anything contained in section 9 of the Electric Lighting Act 1882 the annual statement of accounts of the electricity undertaking of the Council for the time being shall after the passing of this Act be filled up on or before the thirtieth day of June in every year and shall be made up to the thirty-first day of March next preceding and the said section 9 shall be read and have effect as regards the electricity undertaking of the Council as if the thirtieth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Discount on electrical energy accounts.]

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

Council may refuse to supply electrical energy in certain cases.

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

Expenses and receipts under this Part of Act.

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

to such expenses and any money received by the Council under this Part of this Act shall be applied in manner provided by section 52 of the Order of 1898 except capital moneys which shall be applied in manner provided by section 53 of the said Order. A.D. 1907.

PART IV.

STREETS BUILDINGS AND SEWERS.

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

34. The Council may by order vary or alter the intended position direction gradient or level of any intended new street for the purpose of causing it to communicate in a direct line or more direct line with any other street adjoining or leading thereto. The Council shall make compensation to all persons injuriously affected by the exercise of the powers of this section. Any person who shall lay out a street and not adhere to or observe any order made by the Council under the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. Power to vary position or direction of new streets.

35. The Council may by resolution declare the point or limits at or within which any new street is to be taken as beginning and ending. Power to declare where new streets begin and end.

36. 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 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. No building allowed until street defined.

37. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footpath so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made. Crossings for horses or vehicles over footways.

A.D. 1907. for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise. If any person drives or permits or causes to be driven any horse cattle or vehicle across any footpath unless and until such a communication as aforesaid has been so made or on or along any part of any such footpath other than the part over which such communication has been made he shall for each offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footpath. Provided that nothing in this section shall be deemed to apply to the temporary crossing of footpaths during building operations if means satisfactory to the Council be taken to protect such footpaths from injury and for the convenience of foot passengers.

Height of buildings.

38. 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 eaves of the roof or in the case of a flat roof to the top of the parapet facing the street. In case of a gable facing the street the measurement shall be to a point halfway between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves. 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.

Prohibiting deposit of building materials on

39. It shall not be lawful for any person without the consent of the Council in writing first obtained to lay any building materials rubbish or other thing or make any excavation

on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near to the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or other thing or fill up such excavation (as the case may be) when required by the Council and if any person fails to comply in any respect with the requirements of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily as a civil debt.

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and excavations in streets.

40. 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 so 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.

Recovery of damages caused to footways by excavations.

41. 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 reasonably 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 six weeks after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Council shall make compensation to the owner of any

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

A.D. 1907. 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 in pursuance of any requirement of the Council.

Courts to be flagged.

42. The owner or owners of any existing court yard or passage used in common by two or more occupiers (not being a highway repairable by the inhabitants at large) or of any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging asphalt concrete or paving and drain in good repair and if any such owner or owners for one month after notice in writing from the Council fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners summarily.

Entrances to courts not to be closed.

43. The entrance to any court not being a highway repairable by the inhabitants at large shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered.

Provision for preventing formation of culs-de-sacs.

44.—(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.

(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.

Council may require enlarged sewer.

45. If in any street not repairable by the inhabitants at large the Council for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

46. 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 purposes 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 may be recovered from such owner or occupier summarily as a civil debt.

A.D. 1907.
Fencing
lands ad-
joining
streets in
certain cases.

47. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

For pre-
venting
water flow-
ing on foot-
path.

48.—(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 insanitary conditions or danger to passengers or vehicles in such street exist the Council may give notice in writing to any owner 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 in and upon such street as shall be specified in such notice.

Urgent
repairs to
private
streets and
removal of
obstructions
therein.

(2) If such notice is not complied with the Council may if they think fit execute such repairs and the expenses thereof shall be recovered by the Council from the owners in default summarily as a civil debt.

49. The powers of the Council under section 39 (Public necessities) of the Public Health Act 1875 and section 20 (Sanitary conveniences for public accommodation) of the Public Health Acts

Public con-
veniences
and lavato-
ries.

A.D. 1907. Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public and to use the soil of such street for those purposes and such powers shall also extend to authorise the Council to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

For prevent-
ing soil and
sand from
being washed
into streets.

50. The owners or occupiers of all lands abutting upon any street repairable by the inhabitants at large (in this section called "public street") and the owners or occupiers of all lands abutting upon any street not so repairable communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street or into any sewer or gully therein in such quantities as will obstruct such street or wholly or partially stop up such sewer or gully 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.

Trees or
shrubs over-
hanging
streets.

51. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with any pole wire or other work used or intended to be used in connexion with any tramway or the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him within seven days 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 Provided that the Council shall not in the exercise of the powers of this section do unnecessary damage to any such trees and shall make compensation to any persons who may sustain damage by the exercise of the powers conferred by this section.

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

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Height of
chimneys.

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

(2) Any person who shall erect a chimney otherwise than in accordance with this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

53. The Council may require the corner of any building intended to be erected at the corner of two streets to be rounded off or splayed off to the height of the first storey or to the full height of the building and to such extent otherwise as they may determine and for any loss which may be sustained through the exercise of the powers by this section conferred upon the Council they shall pay compensation in accordance with the provisions of the Lands Clauses Acts.

Buildings at
corner of
streets.

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

Forecourts
to be fenced
off from
streets.

55.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as

Means of
escape from
buildings in
case of fire.

A.D. 1907. may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 (Provision of means of escape in case of fire) and 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

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

Further bye-laws as to buildings.

56. The Council may make byelaws with respect to the following matters :—

- (1) The materials with which new buildings shall be constructed :
- (2) The manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings :
- (3) The thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Dangerous places to be repaired or inclosed.

57. With respect to the repairing or inclosing of dangerous places the following provisions shall have effect (that is to say) :—

- (1) If any building wall fence steps structure or other thing or any well excavation reservoir pond stream dam or bank is for want of sufficient repair protection or inclosure dangerous to the passengers along any street or footpath the Council may order the owner within the period specified in such order to repair remove protect or inclose the same so as to prevent any danger therefrom :
- (2) If after service of such order on the owner he shall neglect to comply with the requirements thereof within the period specified therein the Council may cause such works as they think proper to be done for effecting such repair removal protection or inclosure and the expenses thereof shall be payable by the owner and may be recovered summarily as a civil debt.

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

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Alteration of names of streets and numbers of buildings and painting of street names on buildings.

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

59. Where in the opinion of the Council a new street will form a continuation of or means of communication with a main thoroughfare in the district or a continuation of or means of communication with a main approach to the district the Council may if they see fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may see fit and the Council shall thereupon make compensation to the owner or owners of the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of his or their being unable to build upon the land situate between the line of such new street and the line of the houses erected or to be erected on either side thereof and failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Lands Clauses Acts Provided always that the Council may if they think fit instead of paying the compensation under this section agree with the owner or owners of the lands referred to in the said section for the purchase of the said lands or any part or parts thereof.

Setting back of houses in new streets.

60.—(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").

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

A.D. 1907. 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 sewers 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.

Communica-
tions between
drains and
sewers to be
made by
Council on
payment.

61. If the owner or occupier of any premises within the district desires that the sewer or drains 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.

Prevention
and removal
of projec-
tions over
streets.

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

As to tem-
porary and
movable
buildings.

63.—(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. A.D. 1907.

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

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

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district with respect to new buildings ;

(B) Any tent not remaining for more than seven days ;

(C) 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

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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 pulled 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 structure or erection may be recovered summarily as a civil debt from the owner thereof or from the person erecting or setting up the same at the discretion of the Council; and

(D) Any wooden or other structure or erection erected or set up for the purpose of protecting or preventing the acquisition of any right of light.

(6) When a temporary or other building referred to in this section is taken down or removed by the Council under the powers of this section the Council may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance thereof to the owner of such building.

What to be deemed new buildings.

64. 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 that of a dwelling-house;

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

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

shall for all the purposes of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building. A.D. 1907.

65.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered 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 any such street or road. The line which in any case the Council propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall at all reasonable times thereafter be 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. No new building erection excavation or obstruction (being of a permanent character) shall be erected or made nearer to the centre of the street or road than such line of frontage.

Council may
define future
line of
streets.

(2) The Council may and if required by the owner shall purchase the land lying between any such line of frontage as aforesaid and 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 case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the before-mentioned cases the Council shall require the said line of frontage to be observed and kept they shall make full compensation to the owner and other persons immediately interested in any new building for any loss or damage they may sustain in consequence of such new building 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 land or building full compensation in respect thereof for all loss damage or injury (if any) sustained by them 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 benefit 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

A.D. 1907. fairly estimated and shall be set off against the said compensation or purchase-money.

(5) After any such line shall be so defined and prescribed as aforesaid any person who shall act contrary to this enactment shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Continuation of existing streets to be deemed new streets.

66. 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.

Approval of plans to be void after certain intervals.

67. 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.

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

Regulations as to street traffic.

68.—(1) The Council may from time to time make regulations with respect to those streets in the district to be specified in the regulations in which any tramways are constructed or which are specially liable to be obstructed by reason of the amount or nature of the traffic requiring the drivers of slow-moving vehicles to keep their vehicles to a particular portion of the street.

(2) All regulations under this section shall be subject to the approval of the Secretary of State for Home Affairs and shall be published in such manner as he may direct.

(3) Any person who shall contravene any such regulation after word or signal by a police constable stationed in the street to direct the traffic shall be liable to a penalty not exceeding forty shillings. A.D. 1907.

PART V.

BATHS AND RECREATION GROUNDS.

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

Provided that no such swimming bath shall be closed under the powers of this section for more than six hours on any one day nor on more than two days in each week.

70. The Council may on the village green at King's Norton and in any recreation ground erect maintain furnish and equip and may remove pavilions band stands refreshment and reading rooms and other buildings and conveniences which may be required or convenient for the purposes of the public resorting thereto. Power to provide band stands pavilions and other buildings.

71. The Council may pay or contribute towards the payment of bands of music for the district provided that the amount of such payments or contributions does not in any year exceed a sum equal to a rate of one-tenth of a penny in the pound on the assessable value of the district for the purposes of the general district rate and may on the village green at King's Norton or in any recreation ground inclose an area within which any such bands shall play and make regulations as to the time and place for the playing of the band the payments to be made for admission within the said inclosure and for securing good and orderly conduct therein. Bands of music.

72. The Council may place or authorise any person or persons to place seats or shelters or chairs in any street recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of the chairs and may make byelaws Chairs and seats for public use.

A.D. 1907. for regulating the use of the seats shelters and chairs and for preventing injury or damage thereto.

Power to set apart portions of recreation grounds for games and other purposes and to regulate the use thereof.

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

Power to provide or grant the right of providing apparatus for games.

74. The Council may provide apparatus for games and recreation for the use of the public frequenting the village green at King's Norton or 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 regulations with respect to the use and the payment for the use of such apparatus.

Council may appoint constables.

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

Receipts and expenses in respect of recreation grounds.

76. All expenses incurred by the Council in the exercise of the powers of this Part of this Act except such as may be paid out of borrowed moneys shall be paid out of the district fund and any moneys received by the Council in connexion with the execution of the purposes of this Part of this Act (except borrowed moneys) shall be carried to the credit of the district fund.

PART VI.

SKY-SIGNS AND HOARDINGS.

Regulation of sky-signs.

77.—(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. 1907.

Provided that in any of the following cases a licence of the Council under this subsection shall become void (that is to say):—

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

Provided also that if any sky-sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequences as to 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.

A.D. 1907.

Regulation
of hoardings
and similar
structures.

78.—(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 to be used either 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 dimensions and maintenance of such hoarding or similar structure as the Council may determine.

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

(4) Any person who acts in contravention of this section or of the terms and conditions (if any) of such consent 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 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 the court may think fit and to award costs such costs to be recoverable summarily as a civil debt.

PART VII.

A.D. 1907.

SANITARY PROVISIONS.

79.—(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 the plans relating to the new building are deposited require that such new building shall be provided with proper and sufficient water-closets. Power to require waterclosets or closet accommodation for new buildings.

(2) On the erection of any new building the Council may when a sewer and water supply sufficient for a watercloset are not reasonably available by written notice require proper and sufficient closet accommodation 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.

80.—(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 existing 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. Conversion of existing closet accommodation into water-closets.

(2) If the owner of any such building fail 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 of health to be insufficient for the necessities of the inhabitants of the building or to be in such a 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

A.D. 1907. 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.

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

Appeal
under pro-
visions of
section 80.

81.—(1) Where any person deems himself aggrieved by any requirements of the Council under the last preceding section of this Act or disputes the reasonableness of the expenses charged to him by the Council under such section such person may within fourteen days after the service of 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.

(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.

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

82. No pipe used for the carrying off of rain-water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or watercloset Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Water or
stackpipes
not to be
used as ven-
tilating
shafts.

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

84. Every pipe from any slopstone sink bath or basin in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped. Any person neglecting or refusing to comply with a notice from the Council requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings. Provided always that any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with such notice. Provided also that this section shall only apply to buildings existing at the passing of this Act and any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Council.

A.D. 1907.
Construction of pipes from slopstones and baths and trapping of inlets to drains.

85. The Council may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised or enamelled iron dustbins in lieu of ashpits and such bins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council shall be liable 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 bins or ashpits in use at the passing of this Act so long as the same are of suitable size and are in proper order and condition.

Galvanised iron dustbins.

86. If any trade refuse or any building materials or other 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 removal of trade refuse.

87.—(1) On complaint made on oath by the medical officer of health surveyor or inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such medical officer of health surveyor or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink rain-

Inspection of drains.

A.D. 1907. water cistern trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for that purpose or for the purpose of ascertaining the course of any such work the medical officer of health surveyor or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the medical officer of health surveyor or inspector of nuisances or their authorised assistants think fit doing as little damage as may be.

(2) If any person obstruct or attempts to obstruct or incites any person to obstruct the medical officer of health surveyor or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall be liable to a penalty not exceeding five pounds.

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

(4) If upon such inspection any drain sanitary convenience or cesspool water supply sink rain-water cistern trap syphon pipe or other work or apparatus be found to be in such state as to cause a nuisance the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to abate the nuisance.

(5) If such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and

to a daily penalty not exceeding forty shillings or the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default. A.D. 1907.

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

88.—(1) Whenever the medical officer of health or 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 such test (except the test of water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein. Testing of drains.

(2) Any owner or occupier who refuses notwithstanding such order to allow such test to be made shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

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

89. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Council shall be made to communicate with any sewer of the Council the Council may require the same to be laid open for examination by the surveyor and no such communication shall be Examination of old drains before communication made with sewers.

A.D. 1907. made until the surveyor shall certify that such drain may properly be made to communicate with such sewer. 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.

Improper construction or repair of waterclosets or drains.

90. If a watercloset waste-water closet 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. 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 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 penalty and the said other person may be summarily convicted of the offence.

Wilful damage to drains and sanitary apparatus.

91. No person shall cause any drain watercloset waste-water closet earth-closet privy dustbin 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. Any person who shall offend against this section 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.

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

92. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Council may order houses to be drained by combined operation.

93. If it appear to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of

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

A.D. 1907.

94. 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 drinks for the use of man.

Cleansing of cisterns.

95. 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 twenty shillings.

Occupation of houses without proper water supply.

96. If any urinal or 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 material as may be required to abate the nuisance and remove the offence against public decency Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Removal or alteration of urinals.

97. 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

Urinals to be attached to inns &c.

A.D. 1907. inn public-house beerhouse eating-house or other place of public entertainment to provide and maintain on the premises for the persons frequenting such inn public-house beerhouse eating-house or other place of public entertainment a reasonably sufficient urinal or urinals Any person who shall fail within a reasonable time to comply with any requirement under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Filling up or
removal of
cesspools &c.

98. If it shall appear to the Council by the report of the medical officer of health 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 or taken away or to cause such cesspool receptacle ashpit well or cistern to be so altered as to remove any such objection as aforesaid.

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

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

99. For the purposes of the Public Health Acts—

A.D. 1907.

- (A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health ;
- (B) Any gutter drain shoot stackpipe or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ;
- (C) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health ;
- (D) Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into lands or property adjacent thereto and notwithstanding the same may not be injurious to health ;

Extension of provisions of Public Health Acts as to nuisances.

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

100. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established 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 taken down or burnt down has been reconstructed without any extension of its area.

Defining the establishing of a new business of an offensive or noxious character.

101. The Council may make byelaws with respect to water-closets and may by such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus

Byelaws as to water-closets.

A.D. 1907. for and the manner of flushing the same and the means to be provided for protecting the same from frost.

Appartionment of expense of sanitary works between different owners.

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

Prohibition of blowing or inflating carcasses.

103.—(1) It shall not be lawful to blow or inflate the carcass or any part of the carcass of any animal slaughtered within or brought into the district.

(2) Any person who shall offend against the provisions of subsection (1) of this section or shall expose or deposit for sale within the district a carcass so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

PART VIII.

INFECTIOUS DISEASES.

Council may supply antidotes against infectious disease.

104. The Council may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Exposure of infected persons.

105. The provisions of section 126 (Penalty on exposure of infected persons and things) of the Public Health Act 1875 shall extend and apply to any person who being in charge of a person suffering from any dangerous infectious disorder permits such sufferer to expose himself without proper precautions against spreading the said disorder in any street public place shop inn or public conveyance within the district or to enter any public conveyance within the district without previously notifying to the owner conductor or driver thereof that such person is suffering as aforesaid.

Wake not to be held over body of person dying of infectious disease.

106. It shall not be lawful to hold any wake over the body of any person who has died of any infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

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

A.D. 1907.
—
Penalty on withholding information from medical officer.

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

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

108. When any person suffering from infectious disease whereof notice shall have been given to the medical officer of health shall die in the district of such disease the medical officer of health 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 of health 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.

Certificate required before removal by railway of body of person dying of infectious disease.

109. 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 or cause to enter into 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 five pounds.

Prohibiting conveyance of infected persons in public vehicles.

110. 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

Notification of carriage of infected person in

A.D. 1907. officer of health 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.

public
vehicle and
disinfection
of vehicle.

Council may
provide
ambulances.

111. The Council may provide ambulances for use in cases 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.

Power to
make bye-
laws as to
hospitals.

112. 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.

Council may
pay expenses
of persons in
hospital.

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

Power to
Council to
subscribe to
hospitals and
other insti-
tutions.

114. The provisions of section 131 of the Public Health Act 1875 shall be extended so as to enable the Council to subscribe to any hospital infirmary nursing institution dispensary sanatorium or other institution of a similar character any sum not exceeding in the whole one hundred pounds per annum.

Council may
provide
nurses.

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

Protection
against
infection
from books

116. No person shall take out of any public 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 public library

any book which has been to his knowledge exposed to infection from any infectious disease but he shall at once give notice that it has been exposed to infection to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

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in public
lending
libraries.

117. 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 of health that the child is not to attend school permit such child to attend school without having procured from the medical officer of health a certificate (which shall be granted free of charge on application) that in his opinion such child may attend without undue risk of communicating such disease to others. Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Infected
child not to
attend
school.

118. Whenever any scholar who attends any school within the district shall be known to be suffering from 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 of health 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 the sum of sixpence and at the rate of sixpence for every twenty-five scholars named therein.

Provision of
lists of
scholars
attending
infected
schools.

119. The medical officer of health 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.

Power to
medical
officer to
examine
school
children and
exclude
those
affected.

The medical officer of health 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

A.D. 1907. 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 of health in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

Cleansing of infected house and removal of persons therefrom and cleansing or destruction of infected articles.

120.—(1) Where it appears to the Council upon the certificate of the medical officer of health 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 of health as testified by certificate by him within a time fixed in the notice.

(2) If either—

(A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Council as aforesaid; or

(B) Having so informed the Council he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time specified in the notice; or

(C) The occupier or owner as the case may be without such notice gives his consent thereto;

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 any officer of the Council may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

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

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

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

(7) The Council may for the purposes of this section either—
Themselves build a place of reception; or
Contract for the use of any place of reception.

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

Cleansing or destruction of filthy and unwholesome articles.

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

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Dairymen to notify infectious disease among their servants.

122. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the medical officer of health all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any such dairyman, who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

Provision of lists of dairymen's sources of supply and customers.

123. If the medical officer of health 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 six weeks preceding the date of such notice and a list of the persons with their addresses 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 person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Compensation to dairymen for stoppage of milk supply.

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

Cleansing of milk vessels.

125. 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 or 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.

126. 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. Every person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

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Infected persons not to engage in certain occupations.

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

Compensation to persons stopping employment to prevent spread of disease.

128. 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 of health 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.

Infected clothes to be disinfected before being sent to laundry.

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

Regulation of manufacture and sale of ice-cream.

(A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any 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

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

shall for every such offence be liable 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 of health may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

Ice-cream
dealers to
have names
on barrows.

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

Inspection of
premises of
ice-cream
manufac-
turers and
dealers.

131.—(1) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer 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.

(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.

Public notice
of provisions
of Act as to
infectious
disease.

132. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in a local newspaper circulating in the district and by a notice affixed outside the offices of the Council and by handbills or such further means as the Council deem reasonable for conveying notice of the provisions of this Part of this Act to persons affected or likely to be affected thereby. A copy of any newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

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TUBERCULOSIS.

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

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

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

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

136.—(1) It shall be lawful for the medical officer of health or any person provided with and if required exhibiting the authority in writing of such medical officer of health to take within the district for examination samples of milk produced or sold or intended for sale within the district. Power to take samples of milk.

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

137.—(1) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district the medical officer of health or any person provided with and if required exhibiting the authority in writing of the medical Inspection of cows and stoppage of milk supply by order.

A.D. 1907. officer of health may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer of health or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

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

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

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

(5) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Council may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the district on the council of the borough or district in which it is situate. A.D. 1907.

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

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

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

(9) The Council shall simultaneously with the service on any dairyman of a notice under subsection (2) of this section furnish to him free of charge a copy of the report made to the Council under the said subsection by the medical officer of health in relation to the dairy referred to in such notice and of the report furnished to the medical officer of health under the said subsection by the veterinary surgeon who accompanied the medical officer of health or such authorised person as aforesaid on the occasion of his entry and inspection of such dairy.

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

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

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

Compensation to dairyman.

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

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

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

Public notice of provisions of Act as to tuberculosis.

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

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

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Prosecution of offences as to tuberculosis.

142.—(1) All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be chargeable upon the fund and rate liable for the sanitary expenditure of the Council and they may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district. Provided that no such test shall be applied except with the previous consent of the owner of such cow.

Expenses of executing powers as to tuberculosis and provision for their execution by a committee.

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

PART X.

PUBLIC VEHICLES.

143. Any person appointed by the Council in writing may examine all hackney carriages plying for hire within the district and shall see that the laws and byelaws relating to such hackney carriages 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.

Inspection of public vehicles.

144. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Council for the time being in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages within the district conveying passengers to or from any railway station within the district or plying for hire at such railway station as if such railway station were a public stand for hackney carriages. 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

Regulation of public vehicles plying to and from railway stations.

A.D. 1907. — carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

Power to grant occasional licences for public vehicles.

145. An occasional licence for a hackney carriage may be granted by the Council to be in force for such day or days or other period less than one year as may be specified in the licence.

PART XI.

SLAUGHTER-HOUSES.

Power to purchase slaughter-houses.

146. The Council may from time to time by agreement purchase any slaughter-house and premises connected therewith or any part of such premises which is in the opinion of the medical officer of health a nuisance or is or is likely to become injurious or dangerous to the health of the persons residing in the vicinity thereof or the Council may agree with the occupier of such slaughter-house with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house on such terms and conditions and for such consideration as the Council sees fit and may remove such slaughter-house from the register of slaughter-houses. The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Council may exercise the powers of borrowing conferred by that Act and may retain hold and use any premises so purchased for any purpose for which they are by law authorised to acquire or appropriate lands and may from time to time sell lease exchange or otherwise dispose of such premises or any interest therein purchased by them as aforesaid in such manner for such consideration and on such terms and conditions as they think fit and in case of a sale either in consideration of a gross sum an annual rent or of any payment in any other form. And the Council may sell exchange or dispose of any such premises or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange and all moneys received by the Council on such sale or from leasing or letting

or from equality of exchange or other disposition of any land which the Council are by this section authorised to retain hold use sell lease exchange or otherwise dispose of shall be applied by the Council in case such lands were purchased out of moneys borrowed by the Council in or towards the extinguishment of any loan or loans raised by the Council for the purpose of purchasing such lands and subject thereto in discharge of any moneys borrowed by the Council under this Act or otherwise and in case such lands were not purchased out of moneys borrowed by the Council the moneys so received by the Council shall be carried to the credit of the district fund Provided that the application of any money as aforesaid in or towards the extinguishment of any such loans shall be in addition to and not in substitution for any other mode of extinguishment except to such extent and upon such terms as may be approved by the Local Government Board.

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147. The power of the Council to make and enforce bye-laws with respect to slaughter-houses shall extend to the making and enforcement of byelaws—

Power to make bye-laws as to slaughter-houses.

- (1) For preventing the slaughter of animals in any pound pen lair or pining-house forming part of any registered or licensed premises ;
- (2) For preventing the slaughter of any animal within public view or within the view of any other animal ; and
- (3) For preventing the carcase of any slaughtered animal intended for the food of man from being contaminated during such time as the same shall be hung or remain in any slaughter-house.

148. Nothing in this Part of this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or regulation of the Board of Agriculture and Fisheries or of any local authority made thereunder.

Saving for general Act relating to animals.

PART XII.

FIRE BRIGADES.

149. Any police constable acting under the orders of his superior officer and any member of any 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

Power to police constable to enter and break open premises in case of fire.

A.D. 1907. 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.

Control of operations of fire brigades and regulation of street traffic at fires.

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

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

Power to provide and let cottages for firemen.

151. The Council may acquire purchase take on lease and subject to the sanction of the Local Government Board and under such conditions as that Board may prescribe from time to time erect on any land belonging to them such houses and cottages as they think fit for the habitation of their firemen and may let the said houses and cottages or any of them to such firemen on such terms and conditions at such rent or free from rent as the Council think fit.

PART XIII.

COUNTY BRIDGES.

Authorising Council to acquire any county

152. The Council may by agreement with the county council acquire and the county council may transfer to the Council any county bridge within the district and the approaches thereto

From and after the date of such transfer any bridge and the approaches thereto so transferred shall cease to be a county bridge and shall be deemed to be a bridge and approaches adopted by the Council under the provisions of section 147 of the Public Health Act 1875.

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bridge with-
in district by
agreement
with County
Council.

PART XIV.

FINANCE.

153.—(1) The Council may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest any sums not exceeding the following sums:—

Power to
Council to
borrow.

- (A) For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose;
- (B) For the purchase of the Bristol Road tramways and for defraying the costs and expenses incident to such purchase and to the transfer of the said tramways to the Council and for the purpose of reconstructing adapting and equipping such tramways such sums as may be required;
- (C) For the purposes of the section of this Act of which the marginal note is "Council may run omnibuses" such sum as the Board of Trade may sanction;

and with the consent of the Board of Trade such further money as may be necessary for any of the purposes of the tramway undertaking of the Council and with the consent of the Local Government Board such further money as may be necessary for any of the purposes of this Act.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge as regards the purposes (B) and (C) and the purposes of the tramway undertaking of the Council the revenue of that undertaking and as a collateral security the district fund and general district rate and as regards money borrowed for any other purposes of this Act the district fund and general district rate Provided that the provisions of this subsection shall not limit the power conferred upon the

A.D. 1907. Council by this Act to issue one form of mortgage charging the whole of their revenue.

Certain regulations of Public Health Act 1875 as to borrowing not to apply. **154.** In calculating the sums which the Council may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Council as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Mode of raising money. **155.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures, or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another. Provided that the provisions of the section of this Act whereof the marginal note is "Sinking fund" shall apply in lieu of the provisions of sections 15 and 16 of the Local Loans Act 1875.

Provision as to mortgages. **156.** The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

shall subject to the provisions of the section of this Act the marginal note whereof is "Power to use one form of mortgage for all purposes" extend and apply to and in relation to all mortgages made under the powers of this Act.

Periods for repayment of money borrowed. **157.** The Council shall repay all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to Council to borrow" within five years from the date of the passing of this Act;

As to moneys borrowed for the purpose (B) mentioned in the said section within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (C) mentioned in the said section within such period not exceeding five years from the date or dates of borrowing as the Board of Trade may sanction;

As to moneys borrowed with the sanction of the Local Government Board or of the Board of Trade within such period as those boards may respectively sanction : A.D. 1907.

Provided that before giving their consent to any application for further borrowing powers for the purpose of omnibuses the Board of Trade may require the production of evidence to show that the undertaking is being conducted in all respects on a paying basis.

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

159.—(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 or maintained either— Sinking fund.

- (A) By payment to the fund throughout the prescribed periods 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 hereinafter called a “non-accumulating sinking fund”; or
- (B) By payment to the fund throughout the prescribed periods of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed periods the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter 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 any statutory security the Council being at liberty from time to time to vary and transpose such investment.

(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.

A.D. 1907.

(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 periods 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.

(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 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 that 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 periods the moneys for the repayment of which the sinking fund is formed. A.D. 1907.

(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 periods the Council may with the consent of that board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

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

161. 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 nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

A.D. 1907.

Council not
to regard
trusts.

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

Return
respecting
sinking fund
to Local
Government
Board.

163.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that board and if required by that board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has 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. A.D. 1907.

164.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole. Appointment of receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

165. Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed by the Council out of the district fund and general district rate. Expenses of executing Act.

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

167.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for fixing equated periods.

A.D. 1907.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

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

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

Power to
use one form
of mortgage
for all pur-
poses.

168.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of

the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the fund rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted. A.D. 1907.

(6) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect.

(8) There shall be kept at the office of the Council a register of the transfers of mortgages under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person excepting the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

A.D. 1907.

Inquiries
by Local
Government
Board.

169.--(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 purpose 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.

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

PART XV.

LEGAL PROCEEDINGS.

General provisions as to byelaws.

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

Evidence of appointment and authority.

171. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act for the time being in force in the district 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 or authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Informations by whom to be laid.

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

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

A.D. 1907.
Authenti-
cation and
service of
notices &c.

174. Any person deeming himself aggrieved by any order, judgment, determination or requirement or the withholding of any certificate, licence or consent or approval of or by the Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may in cases where no other right of appeal is given by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

As to appeal.

175. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts IV. (Streets, Buildings and Sewers) and VII. (Sanitary Provisions) of this Act or any byelaw made thereunder 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 forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Penalty on
occupier
refusing
execution of
Parts IV.
and VII. of
Act.

176. The Council may if they think fit allow the owners time for the repayment of any expenses incurred by them under this Act and in that case section 257 of the Public Health Act 1875 shall apply as if such expenses were expenses for the

Time for
recovery of
expenses.

A.D. 1907. repayment whereof the owner of the premises was made liable under that Act.

Recovery of penalties.

177. 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.

Damages and charges to be settled by justices.

178. 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 or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Compensation &c. how to be determined.

179. 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.

180. The Council when they are required by any provision of this Act or any general or local Act 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.

Saving for indictments &c.

181. 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.

Judges &c. not disqualified.

182. 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 liable to any rate.

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

A.D. 1907:
Powers of
Act cumu-
lative.

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

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

PART XVI.

MISCELLANEOUS.

185.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to
grant gratu-
ities to
officers and
servants.

(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.

186. The provisions of the sections of this Act the marginal notes whereof are "Regulations as to street traffic" "Shelters or waiting-rooms" and "Council may define future line of streets" shall not except with the consent of the county council apply to main roads vested in them.

For pro-
tection of
Worcester
County
Council.

A.D. 1907.

General
power to
appropriate
lands with
consent of
Local
Government
Board or
Board of
Education.

187. In addition to and without prejudice to any other powers for the time being vested in the Council they may retain and use for any purpose for which the Council are for the time being empowered to hold lands any lands for the time being belonging to them whether acquired in pursuance of a local or general Act of Parliament or otherwise and not required for the purpose for which they were acquired but the powers given by this section shall not be exercised except with the consent of the Local Government Board (or in the case of land acquired for the purposes of the Education Acts 1870 to 1903 of the Board of Education) and subject to such conditions as the Local Government Board or the Board of Education as the case may be may impose.

Crown
rights.

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

Expenses of
Act.

189. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of money borrowed under the authority of this Act for that purpose.

The **SCHEDULES** referred to in the foregoing Act. A.D. 1907.

THE FIRST SCHEDULE.

**ACTS AND ORDERS RELATING TO THE MOSELEY AND KING'S HEATH
 TRAMWAYS.**

Session and Chapter.	Short Title of Act or Order and of confirming Act.
44 & 45 Vict. c. clxiii.	Birmingham and Western Districts Tramways Order 1881 confirmed by the Tramways Orders Confirmation (No. 2) Act 1881.
45 & 46 Vict. c. ci.	Birmingham and Suburban Tramways Order 1882 confirmed by the Tramways Orders Confirmation (No. 3) Act 1882.
45 & 46 Vict. c. ci.	Birmingham and Western Districts Tramways Order 1882 confirmed by the Tramways Orders Confirmation (No. 3) Act 1882.
46 & 47 Vict. c. xlvi.	Birmingham and Western Districts Tramways Order 1883 confirmed by the Tramways Orders Confirmation (No. 2) Act 1883.
48 & 49 Vict. c. ciii.	Birmingham Central Tramways (Extension) Order 1885 confirmed by the Tramways Orders Confirmation (No. 3) Act 1885.
50 Vict. c. xxii.	Birmingham Central Tramways (Extension) Order 1886 confirmed by the Tramways Orders Confirmation (No. 3) Act 1886.
50 & 51 Vict. c. cxvii.	Birmingham Central Tramways (Extension) Order 1887 confirmed by the Tramways Orders Confirmation (No. 1) Act 1887.
1 Edw. 7. c. ccxxxi.	City of Birmingham Tramways Act 1901.

A.D. 1907.

THE SECOND SCHEDULE.

ACTS AND ORDERS RELATING TO THE BRISTOL ROAD TRAMWAYS.

Session and Chapter.	Short Title of Act or Order and of confirming Act.
45 & 46 Vict. c. ci.	Birmingham and Suburban Tramways Order 1882 confirmed by the Tramways Orders Confirmation (No. 3) Act 1882.
50 Vict. c. xxii.	Birmingham Central Tramways (Extension) Order 1886 confirmed by the Tramways Orders Confirmation (No. 3) Act 1886.
50 & 51 Vict. c. cxvii.	Birmingham Central Tramways (Extension) Order 1887 confirmed by the Tramways Orders Confirmation (No. 1) Act 1887.
60 & 61 Vict. c. ccliii.	City of Birmingham Tramways Act 1897.
1 Edw. 7. c. cexxxi.	City of Birmingham Tramways Act 1901.

THE THIRD SCHEDULE.

FORM OF MORTGAGE.

By virtue of the King's Norton and Northfield Urban District Council Act 1907 and of other their powers in that behalf them enabling the urban district council of the urban district of King's Norton and Northfield in the county of Worcester (herein-after referred to as "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the district by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid to him or them with interest for the same (subject as herein-after provided) after the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly (to the bearer of the coupons or interest

warrants hereunto annexed or to be hereafter annexed hereto on the A.D. 1907:
days and at the place therein mentioned) (on the _____ day
of _____ and the _____ day of _____ in each year):
And it is hereby agreed that the said principal sum of _____
pounds shall be repaid at the Council offices in the
said district (subject as herein-after provided) on the
day of _____ one thousand nine hundred and _____
(by _____):

Provided always and it is hereby agreed and declared that the
before-mentioned time for repayment may be extended to such sub-
sequent day or days and upon any such extension the before-mentioned
rate of interest may be altered to such other rate or rates of interest
as shall from time to time be mentioned and specified in an endorsement
to be made hereon under the hands of the chairman and clerk of the
said Council for the time being respectively and that upon any such
endorsement being made whether relating to extension of time only or
to extension of time with alteration of rate of interest the provisions
thereof shall be incorporated herewith and shall operate and take effect
as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to
be hereunto affixed this _____ day of _____ one
thousand nine hundred and _____

This mortgage is duly registered in the register of mortgages kept
by me pursuant to the provisions in that behalf.

Dated this _____ day of _____ 19 _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting
the within-mentioned time for repayment of the within-mentioned
principal sum of _____ is hereby
extended to the _____ day of _____ one thousand nine
hundred and _____ [and the interest to be paid thereon on and
from the _____ day of _____ one thousand nine hundred
and _____ is hereby declared to be after the rate of _____ per
centum per annum].

Dated this _____ day of _____ one thousand nine
hundred and _____

Witness

A.D. 1907.

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]
[of _____] in consideration of
the sum of _____ pounds paid to me by
of _____ (herein-after called "the transferee")
do hereby transfer to the transferee [his] executors administrators and
assigns (the within-written security) [the mortgage number _____ of
the revenues of the urban district council of the urban district of King's
Norton and Northfield bearing date the _____ day of _____]
and all my right and interest under the same subject to the several
conditions on which I hold the same at the time of the execution
hereof and I the transferee for myself my executors administrators and
assigns do hereby agree to take the said mortgage security subject to
the same conditions.

Dated this _____ day of _____ one thousand nine
hundred and _____

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