



CHAPTER lxviii.

An Act to vest in the urban district council of Mitcham certain common lands and fair rights in their district and to make further provision with regard to the improvement health local government and finance of the district and for other purposes. A.D. 1923.
[31st July 1923.]

WHEREAS the district of Mitcham in the county of Surrey is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Mitcham which district and Council are in this Act respectively referred to as "the district" and "the Council":

And whereas there are situate within the district certain open spaces commonly known as "the Upper (or Fair) Green" "the Lower (or Cricket) Green" "Figges Marsh" "the Three King's Piece" and "the Cannons Piece" (in this Act more particularly defined and together referred to as "the Mitcham Greens") which constitute important and much-used places of public recreation for the inhabitants of the district:

And whereas the Mitcham Greens are outlying and detached portions of a large area of common lands which are under the regulation and management of a body of conservators (in this Act referred to as "the conservators") pursuant to and under and subject to the powers provisions limitations and savings contained in a scheme certified by the Board of Agriculture under the Metropolitan Commons Act 1866 and the Metropolitan

A.D. 1923. Commons Amendment Act 1869 and scheduled to and confirmed by the Metropolitan Commons (Mitcham) Supplemental Act 1891 :

And whereas the whole area of the said common lands including the Mitcham Greens comprises the wastes of the contiguous manors of Mitcham (otherwise Canons) Fauxhall Ravensbury and Biggin and Tamworth which wastes have no clearly known and defined boundaries and have in the past been together subjected to the exercise of manorial and commonable rights connected with each of the said manors :

And whereas the said common lands (including the Mitcham Greens) are vested in the conservators or in trustees on their behalf for an estate of inheritance in fee simple in possession for the purposes of the said scheme and such vesting is made subject to certain commonable and other rights but no rights of common have been exercised over the Mitcham Greens for many years and the commoners (if any) are unknown and no other rights over the Mitcham Greens are known to be subsisting apart from such as are expressly saved and excepted under this Act :

And whereas in the year one thousand eight hundred and ninety-one when the said scheme was confirmed there was no local authority for Mitcham except the vestry of the parish of Mitcham which was a rural parish in the Croydon Rural Sanitary District :

And whereas since the year one thousand eight hundred and ninety-one the population of the parish of Mitcham has nearly trebled and the parish has been converted into an urban district under the administration of the Council :

And whereas the Council are represented on the body of the conservators by only four out of a total of thirteen members :

And whereas in view of the detached position and the local public use of the Mitcham Greens and of the change that has occurred in the population and local government of the district it is expedient that the said Greens should be vested in the Council in the manner and for the purposes in this Act specified and that statutory powers for the upkeep regulation and control of the said Greens should be conferred upon the Council

and that all powers of the conservators over the said Greens should cease : A.D. 1923.

And whereas there is vested in the conservators a franchise of fair formerly appurtenant to the manor of Biggin and Tamworth in pursuance whereof an annual fair known as Mitcham Fair has long been held on three days in the month of August on the lands known as Upper (or Fair) Green forming part of the Mitcham Greens :

And whereas the said franchise was acquired by trustees in trust for the conservators on the thirtieth day of December one thousand nine hundred and five at the price of nine hundred and fifty pounds whereof six hundred and fifty-seven pounds five shillings and sixpence was provided by the predecessors of the Council or by contributions in response to a public appeal made to the people of Mitcham and the balance of two hundred and ninety-two pounds fourteen shillings and sixpence was provided by the conservators and the said franchise was subsequently conveyed by the said trustees to the conservators :

And whereas it is expedient that the said franchise of fair should be vested in the Council and that the Council should have such powers of regulation management and removal and other powers with respect to the fair as are in this Act contained :

And whereas it is expedient to make further and better provision in regard to streets and buildings in the district and that the powers of the Council in relation to the health local government and improvement of the district be enlarged as by this Act provided :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans of the lands constituting the Mitcham Greens and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Surrey and are in this Act respectively referred to as the deposited plans and book of reference :

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District Council Act, 1923.

A.D. 1923.

— 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 :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Mitcham Urban District Council Act 1923.*

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Vesting of common lands and fair rights in Council.

Part III.—Commons and recreation grounds.

Part IV.—Fairs.

Part V.—Streets and buildings.

Part VI.—Watercourses.

Part VII.—Sewers drains &c.

Part VIII.—Sanitary provisions and infectious disease.

Part IX.—Human food.

Part X.—Financial.

Part XI.—Miscellaneous.

Incorporation of
Acts.

3. The following Acts and parts of Acts so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (namely) :—

(a) The Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 (except section 127 of the Lands Clauses Consolidation Act 1845);

(b) The Markets and Fairs Clauses Act 1847 so far as the same relates to fairs except sections 12 31 32 and 43 to 50 inclusive thereof Provided that for the purposes of that Act the limits of this Act shall be the district and that any byelaws made under section 42 of that Act shall not

apply to any highway or affect in any way the jurisdiction or responsibility of the Commissioner of the Metropolitan Police in respect thereof. A.D. 1923.

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

“ The district ” means the urban district of Mitcham ;

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

“ The scheme ” means the scheme certified by the Board of Agriculture which is scheduled to and confirmed by the Metropolitan Commons (Mitcham) Supplemental Act 1891 ;

“ The Mitcham Greens ” means the lands situate in the parish and urban district of Mitcham in the county of Surrey which are shown on the deposited plans and described in the deposited book of reference other than the land coloured blue on the signed plan ;

“ The clerk ” “ the treasurer ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the clerk the treasurer the medical officer of health the surveyor and the sanitary inspector of the district and respectively include any person duly authorised to discharge temporarily the duties of those offices ;

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

“ The signed plan ” means the plan signed in triplicate by Sir Thomas Robinson the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (one copy of which plan has been deposited in the Office of the Clerk of the Parliaments House of Lords another in the Private Bill Office of the

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House of Commons and the remaining copy at the offices of the Council);

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

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

“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 public or local passed or to be passed or under any Provisional Order confirmed by 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;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council.

PART II.

A.D. 1923.

VESTING OF COMMON LANDS AND FAIR RIGHTS
IN COUNCIL.

5.—(1) From and after the passing of this Act the Mitcham Greens shall by virtue of this Act vest in the Council in fee simple and shall be held by the Council for the purposes of this Act freed and discharged from all incumbrances and from all liabilities and obligations of the conservators and from all rights of common pasturage and estovers and all or any manorial commonable or other rights exerciseable over or in respect of the same or any part thereof by any person or persons. Provided that there shall be saved and excepted from the operation of such vesting all existing property rights and interests of any road authority in or with respect to any road situate upon the Mitcham Greens and all existing public or private rights of way or passage over any such road or over any part of the Mitcham Greens and all existing property rights and interests of any company body or person in or with respect to any tramway or light railway situate upon any such road and all existing property rights and interests of any company body or person in or with respect to any pipe wire or apparatus for the supply of gas water or electricity or for telegraphic or telephonic communication or any sewer or drain in upon or over the Mitcham Greens. And provided also that nothing in this section shall operate so as to extinguish any rights or franchises referred to in the section of this Act whereof the marginal note is “ Vesting of franchise and rights of fair in Council ” or to prevent or interfere with the holding of any fair in pursuance of any such right or franchise.

Vesting of
Mitcham
Greens in
Council.

(2) From and after the passing of this Act all rights and powers of the conservators in or over the Mitcham Greens (whether arising under the scheme or from the ownership or occupation of any other lands or from the lordship of any manor or under the customs of any manor or otherwise) shall cease and be extinguished and the provisions of the scheme shall no longer apply to the Mitcham Greens.

(3) No claim for compensation shall lie or accrue in respect or in consequence of the provisions of this section

A.D. 1923. — against the Council at the instance of or in right of the conservators or any trustee for the conservators or any commoner or commoners of any manor.

(4) For the purposes of this section the Southern Railway Company shall be deemed to be a road authority.

Appropriation of Mitcham Greens.

6.—(1) Subject to the provisions of subsection (2) of this section the Mitcham Greens (as vested in the Council under the section of this Act whereof the marginal note is “Vesting of Mitcham Greens in Council”) shall be deemed to be public pleasure grounds within the meaning of the Public Health Acts and the provisions of those Acts and of this Act shall apply accordingly.

(2) The Council may by resolution appropriate or dedicate any part or parts of the Mitcham Greens (as so vested in the Council as aforesaid) for the purpose of the construction of new streets or highways or the widening or improvement of existing streets or highways.

(3) Provided that the Council shall at all times preserve the turf shrubs trees plants and grass on the lands numbered on the deposited plans 4 10 14 16 and 17 in the parish and urban district of Mitcham (which lands are known respectively as Cranmer Green and the Lower or Cricket Green) and may on such lands plant trees and shrubs for shelter or ornamental purposes but the Council shall not at any time on such lands do any act or thing that would or might alter the nature surface or aspect of such lands or except as in this section hereinafter provided place build or erect any building or structure thereon.

(4) Notwithstanding anything in the last preceding subsection provided the Council may upon the lands coloured green on the signed plan erect place or build public lavatories and conveniences.

Vesting of franchise and rights of fair in Council.

7.—(1) All existing rights or franchises with respect to Mitcham Fair and with respect to the holding of any fair or fairs and the taking of tolls piccage and stallage profits advantages and emoluments and the entering and occupying and exercising powers and privileges and authorising other persons to enter and occupy and exercise powers and privileges for fair purposes on the Upper (or Fair) Green at Mitcham and all other existing rights

(if any) with respect to the holding of a fair or fairs within the manor of Biggin and Tamworth and the waste lands thereof as the same are now vested in or enjoyable by the conservators but free from any incumbrances shall from and after the passing of this Act be by virtue of this Act transferred to and vested in the Council Provided that nothing in this Act shall authorise the Council to hold any fair outside the district. A.D. 1923.
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(2) By way of consideration for the said transfer the Council shall within three months after the passing of this Act pay to the conservators the sum of two hundred and ninety-two pounds fourteen shillings and sixpence.

8. As from the first day of April one thousand nine hundred and twenty-three the Council shall pay to the conservators annually the sum of one hundred pounds which shall be applied by the conservators towards their general expenditure on or in connection with the maintenance and upkeep of Mitcham Common. Council to
contribute
to revenue
of con-
servators.

PART III.

COMMONS AND RECREATION GROUNDS.

9.—(1) The Council may pay or contribute towards the payment of bands of music and may provide or arrange for the provision or carrying on of suitable concerts entertainments and amusements and for the sale of refreshments in any park or pleasure ground for the time being vested in them or under their control or upon any land belonging or leased to them. Provision
of concerts
entertain-
ments &c.

(2) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concert entertainment or amusement provided or carried on in pursuance of this section.

(3) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments or amusements provided or carried on in pursuance of the provisions of this section.

(4) The Council may pay or contribute towards the cost of providing and maintaining in the district and in newspapers published in the district advertisements of

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A.D. 1923. any concerts entertainments or amusements provided or
 — carried on in pursuance of this section.

(5) All expenses incurred by the Council under the provisions of this section shall be paid out of the district fund and general district rate and all moneys received by them thereunder shall be carried to the credit of the district fund :

Provided always that the net amount of any payments or contributions made by the Council under the provisions of this section after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the district assessable in that year to the general district rate.

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

Charge for
use of
parts of
recreation
grounds
&c. set
apart for
certain
purposes.

10. If and when the provisions of paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 are applied to the district and any portion of a public park or pleasure ground is set apart by the Council for any purpose under those provisions and specially laid out and maintained for any such purpose the Council may charge reasonable sums for the use thereof for that purpose.

Council and
conservators
may enter
into and
carry into
effect
agreements.

11. The Council on the one hand and the conservators on the other hand may enter into and carry into effect agreements for or with respect to the execution by the Council of any powers of the conservators under the scheme which may be exerciseable within the district.

Power to
appoint
officers.

12. The Council may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the bye-laws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

PART IV.

A.D. 1923.

FAIRS.

13. The Council subject to the provisions of this Act may for a period not exceeding eighteen months from the passing of this Act hold and carry on Mitcham Fair on the lands known as the Upper (or Fair) Green numbered 18 19 and 20 on the deposited plans and in the deposited book of reference and may exercise within the district all franchises and rights of holding fairs and taking tolls and other sums and all other rights in respect of fairs transferred to them by this Act.

Power to
Council to
carry on
fairs.

14. The prescribed days on which Mitcham Fair shall be held shall be the twelfth thirteenth and fourteenth days in the month of August in every year. Provided that when any of those dates shall fall on a Sunday the part of the fair which would otherwise have been held on that day or any later day shall be held on the next succeeding day.

Fair days

15. Before the expiration of a period of eighteen months from the passing of this Act the Council shall alter the place at which Mitcham Fair shall be carried on and as from the date upon which such alteration takes place the said fair shall be held and carried on by the Council upon the portion of the lands numbered 1 on the deposited plans which is coloured pink on the signed plan and the Council may on the said lands coloured pink on the signed plan make construct extend build maintain furnish equip work and use all requisite and convenient buildings stalls sheds yards fences walls enclosures sewers drains works approaches and conveniences for or in connection with the fair and when and so soon as the Council shall have removed the fair to the lands in this section described it shall be lawful for the Council to discontinue wholly or in part the use for fair purposes of the place at which the fair shall have been carried on before the removal thereof and thereafter every person other than a licensed hawker selling marketable commodities at the old fair place shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to
alter
position of
fair and to
provide
stalls &c.

16. Before the Council remove any fair they shall give at least one month's public notice by advertisement

Public
notice of

A.D. 1923.
—
removal of
fairs.

in some newspaper circulating in the district and by placards affixed in prominent places throughout the place at which the fair shall have been carried on previously as the case may require and a statutory declaration by an officer of the Council to the effect that public notice has been given in accordance with this section shall be received as evidence of compliance with the provisions thereof.

Power to
levy tolls
&c.
sanctioned
by Ministry
of Health.

17. The Council may demand take and recover such stallages rents tolls and charges in respect of any of their fairs as may be sanctioned by the Ministry of Health Notice of the intention of the Council to apply for such sanction shall be published in the London Gazette Provided that this power shall be additional to and shall not derogate from any other power of levying tolls or other sums vested in the Council under this Act.

Penalty for
attempting
to evade
payment of
tolls &c.

18. If any person liable to pay any stallage rent toll or charge to the Council in respect of the fairs shall give an incorrect account of the same or make any false statement in relation thereto or refuse or neglect to give a correct account thereof with a view to evade or attempt to evade the payment of such stallage rent toll or charge or any part thereof every such person shall be liable to a penalty not exceeding forty shillings and to pay the amount of the stallage rent toll or charge so evaded or attempted to be evaded.

Power to
take possession of
stalls &c.
for non-
payment
of rent.

19. If any person shall not after any stallage rent toll or charge has become due from and payable by him to the Council in respect of any building stall shed yard enclosure site space of ground or other convenience or accommodation in the fairs and after demand has subsequently been made therefor pay the same forthwith the Council may enter upon and take possession of such building stall shed yard enclosure site space of ground or other convenience or accommodation and relet the same without prejudice to any other remedy for the recovery of such stallage rent toll or charge.

Forfeiture
of articles
left in fair.

20. Every article brought into the fair and left therein after the hour of closing on any day (except such as may be left in charge of the superintendent or inspector of the fair) may be taken possession of by the superintendent or inspector In the case of any non-perishable article so left if it be not claimed within four-

teen days the Council may proceed to sell the same and in that case they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent toll or charge due in respect thereof or from the owner thereof together with the expenses of detention and sale In the case of any article or commodity of a perishable nature so left if it be not claimed within twelve hours the Council may proceed to sell the same and in that case they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent toll or charge due in respect thereof or from the owner thereof together with the expenses of detention and sale Provided that the Council may if they think fit at the expiration of the periods respectively hereinbefore mentioned with respect to each class of goods destroy any goods of that class so left instead of selling the same and in the case of any article or commodity of a perishable nature the cost of destruction may be recovered by the Council from the owner in a summary manner If in any such case as hereinbefore mentioned no demand shall be made by an owner within one month of a sale for the return of any surplus arising from a sale the proceeds of such sale shall be forfeited to the Council.

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21. The powers conferred upon the Council by section 42 of the Markets and Fairs Clauses Act 1847 with this Act incorporated shall extend to the making repealing or altering of byelaws for all or any of the following purposes in relation to any fair or fairs held by the Council (that is to say):—

Power to
 make bye-
 laws as to
 fairs.

- (1) For the preservation of order and good conduct among persons frequenting the fairs:
- (2) For securing public health and decency and the safety of persons resorting to the fairs:
- (3) For regulating the erection or placing on the lands on which the fairs for the time being are held of any booths tents sheds stands and stalls (whether fixed or moveable) or vehicles for the sale or exposure of any article or thing or any shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals persons or mechanical power:
- (4) For securing protection against fire:

A.D. 1923.

Provided that any byelaws under this section shall not apply to any highway or affect in any way the jurisdiction or responsibility of the Commissioner of the Metropolitan Police in respect thereof.

PART V.

STREETS AND BUILDINGS.

Council
may define
future line
of streets.

22.—(1) Where any street or road in the district repairable by the inhabitants at large or any part of such street or road 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 such street or road. The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. Before prescribing any line of frontage in respect of a main road the Council shall submit a plan to the Surrey County Council and consider any representations such county council may make to the Council thereon. No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Council may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Council sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and the same when purchased shall vest in the road authority as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Lands Clauses Acts.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage which he or they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept. A.D. 1923. —

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

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

23.—(1) When a road footpath or way within the district is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Council may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the district require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land. Widening of roads when only one side is built upon.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Council Provided that he shall not under this subsection be required to

A.D. 1923. — pull down any building erected before the passing of this Act.

Develop-
ment
scheme
may be
required in
connection
with new
streets.

24. Whenever application shall be made to the Council to approve the laying out of or notice shall be given to the Council of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Council may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Council with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

Appeal to
petty
sessional
court.

25.—(1) Any person deeming himself aggrieved by any requirement of or by the Council under the last preceding section of this Act may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Byelaws
as to inter-
secting
streets.

26. The power of the Council to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section intersecting street means a side or cross street forming a junction with another street.

Width of
new streets.

27.—(1) Whenever application shall be made to the Council to approve the formation of a new street on any estate or lands it shall be lawful for the Council

to require that the new street shall be formed of such width as the Council shall require: A.D. 1923.

Provided that in the event of the Council requiring any new street to be of any greater width than the following (hereinafter in this Act called "the prescribed width") namely—

(a) In the case of a new street which in the opinion of the Council will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the district or a continuation of a main approach or means of communication between main approaches to the district sixty feet; or

(b) in the case of any other new street the width required for such street by any Act or byelaw for the time being in force within the district;

the Council shall purchase from the owner of such estate or lands and such owner shall sell to the Council any additional land necessary to make such new street of such greater width as aforesaid and shall also make compensation to such owner for any loss or damage sustained by him by reason of the Council requiring the street to be of such greater width as aforesaid.

(2) The purchase money payable by the Council in respect of any such additional land as aforesaid shall in default of agreement be a sum equal to the pro rata proportion of the amount which shall at the date on which the Council require the new street to be of such greater width be the value of so much of the undeveloped land of the same owner as is or will be developed or improved by the intended works of street formation on the estate of which such additional land forms part.

(3) If by reason of the Council requiring any new street to be of any such greater width as aforesaid any land of any owner adjoining such new street will be or has become so reduced in area that it cannot having regard to the provisions of any Act or byelaw in force within the district be used for building purposes and such owner shall within three months from the date of his receiving notice of such requirement give to the Council written notice so desiring the Council shall in lieu of paying such owner compensation as aforesaid purchase from such owner and such owner shall sell to

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(4) The amount of any compensation and of any purchase money payable under this section and any difference thereunder as to whether any land has become so reduced in area as aforesaid shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefit accruing to the property of which such additional land forms part by reason of the street being of such greater width shall be fairly estimated and set off against such compensation.

(5) Nothing contained in this section shall require an owner to incur any greater expense in the execution of any street works than he would have been required to incur if the new street had been of no greater width than the width required for such street under any by-law for the time being in force within the district and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Council.

Building
line in new
streets.

28.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan to be drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Council shall be deemed to have approved any building line so shown unless within six weeks after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by

the Council nor beyond or in front of the building line approved by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. A.D. 1923.

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Council.

(4) In the event of the Council requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Council determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

(7) (a) Any person deeming himself aggrieved by any requirement of or by the Council under this section may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

29.—(1) 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 No building allowed until street defined.

A.D. 1923. — defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

(2) 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.

Prevention
and
removal of
projections
over
streets.

30.—(1) Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall 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 or convenient use of any street.

(2) This section shall not apply to any building (not used as a dwelling-house) belonging to or which may hereafter belong to any railway company pursuant to their statutory powers.

Erection of
bridges.

31. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected and which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Council approve and shall be built in accordance with specifications plans and sections to be submitted to and approved by the Council and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding fifty pounds and the Council may remove alter or pull down any work begun or done in contravention of this section and recover the expenses from such person summarily.

For pre-
venting
water
flowing on
footpaths.

32. Where premises abutting upon any street are so situate that surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Council for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath

and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1923.

33. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

For preventing soil &c. from being washed into streets.

For the purposes of this section "public street" means so much of a street repairable by the inhabitants at large as is sewered and "private street" means a street not so repairable:

Provided that such owner or occupier shall not be responsible for any soil sand clay cinders or other substances from land other than his own although such soil sand clay cinders or other substances may have passed over the land of such owner or occupier Provided further that this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

34. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public 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.

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

Continuation of existing street to be deemed new street.

A.D. 1923.

—
Trees or
shrubs
overhang-
ing street
and foot-
paths.

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

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Courts to
be flagged
and
drained.

37.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Council flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gulleys and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drain gulleys and grids in good repair.

(2) If such owner or owners shall for two months after notice in writing from the Council fail in any respect to comply with any requirements of the Council under the provisions of subsection (1) of this section 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.

38. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available. A.D. 1923.
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Provisions as to houses without water supply.

39. The Council may make byelaws with respect to the following matters viz. :— Byelaws as to materials and construction of buildings.

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

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith as to the occupation of buildings when united:

(3) The testing of drains of new buildings.

40. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Council to make byelaws for securing the adequate lighting of buildings. Byelaws as to provision of light for buildings.

41.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised. Erection of buildings to greater height than adjoining buildings.

(2) 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.

42.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building or of any works in the district shall where Sanitary conveniences.

A.D. 1923.
 —
 for
 workmen
 engaged on
 buildings.

practicable provide to the reasonable satisfaction of the Council and until the completion of any such construction reconstruction or alteration such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

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

Means of
 escape
 from
 buildings
 in case of
 fire.

43.—(1) Every building erected after the passing of this Act which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape ~~in case of fire for the persons dwelling sleeping or~~ employed in each such upper storey or resorting thereto as may be reasonably required by the Council under the circumstances of the case and the owner of such building shall not allow the building to be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) From and after the first day of January nineteen hundred and twenty-four the Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such

means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required. A.D. 1923.
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(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Council make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Council under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Council under either of the said subsections.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Council under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Council under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Council and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop

[Ch. lxviii.] *Mitcham Urban* [13 & 14 GEO. 5.]
District Council Act, 1923.

A.D. 1923. — Act 1901 or any enactment amending those sections apply.

(9) 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.

Area of
habitable
rooms.

44. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the district shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Larders
to be
provided.

45.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (a) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any owner aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of 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. Notice of the right of appeal shall be endorsed on every requirement of the Council under this subsection.

(c) If in any case the owner alleges that the occupier of any dwelling-house in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the expenses of the execution of such work he may apply to a court

of summary jurisdiction and such court shall have power to make such order as the court may think fit. A.D. 1923.

46. If any squatter or gipsy or other person dwelling in a tent or van or other similar structure shall occupy any land within twenty yards of any dwelling-house so as to cause damage inconvenience or annoyance to residents in the neighbourhood or be a nuisance or dangerous or injurious to health a court of summary jurisdiction may on complaint by the Council (unless such squatter gipsy or other person satisfies such court that there is no other land within the district which could be occupied by him) make an order prohibiting (either absolutely or subject to conditions) the further occupation of the land by any squatter gipsy or other person so as to cause such damage inconvenience or annoyance or be a nuisance or dangerous or injurious to health as aforesaid and if the order be not complied with the owner or lessee of the land or other person who suffers the land to be so occupied and the squatter gipsy or other person shall each be liable to a penalty not exceeding five pounds and to a further penalty not exceeding twenty shillings for every day on which the land shall be so occupied after the date from which the said order takes effect Provided that the Council before making any complaint shall give to the said owner or lessee or other person who has suffered the land to be so occupied not less than twenty-four hours' notice in writing of their intention so to complain and shall at the same time give a similar notice to any squatter gipsy or other person who shall then be occupying the land in respect of which the complaint is intended to be made :

Gipsy and other encampments.

Provided that the powers conferred upon the Council under this section shall be deemed to be in addition to and not in derogation of their powers under any general Act of Parliament.

This section shall not apply to any person dwelling in a tent or van or other similar structure who is a round-about proprietor or showman or stall-holder (not being a pedlar or hawker) nor to any owner or lessee or other person who suffers any land to be occupied by such persons in such manner aforesaid.

47. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-

Saving as to railway companies.

A.D. 1923. house) belonging to or used or occupied by a railway company as part of or in connection with their undertaking under any Act of Parliament.

PART VI.

WATERCOURSES.

As to
covering in
of water-
courses
ditches &c.

48. If any watercourse or ditch in the district situate upon land laid out for building or on which any such land abuts requires in the opinion of the Council to be wholly or partially filled up or covered over the Council may by notice in writing require the owner of such land before any building is commenced or proceeded with to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch a pipe drain or culvert with all necessary shoots and means of conveying surface water into the same. All works required by the Council to be done under this section shall be completed to the satisfaction of the surveyor before any building operations on such land are proceeded with. Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

Provided that nothing in this section shall authorise the Council to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land laid out for building without the consent of such person save and except in the case of an owner of land already laid out for building in which case no consent shall be necessary.

Water-
courses not
to be
covered
over except
in accord-
ance with
approved
plans.

49.—(1) Before the owner of any land within the district shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Council may subject as hereinafter provided require such owner so to construct and maintain any such culvert or so to cover over and maintain any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse :

Provided that—

A.D. 1923.

(a) No requirement of the Council under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;

(b) If with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council.

(2) If any difference shall arise between the Council and such owner as to the expediency necessity or otherwise of the works required by the Council to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

50. 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 the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Water-course choked up to be a nuisance under Public Health Act 1875.

51. Every person who throws deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the district so as to interfere with the due flow of water in any such stream or brook shall be liable to a penalty not exceeding five pounds.

Penalty for throwing rubbish into streams.

A.D. 1923.

—
Saving for
London
County
Council.

52. Nothing in this Part of this Act shall affect any sewer or watercourse vested in belonging to or maintained by the London County Council or extend to prejudice diminish alter or take away any right power privilege or authority vested in the said council under the Metropolis Management Act 1855 or any Act amending or extending the same.

PART VII.

SEWERS DRAINS &C.

Separate
sewers for
surface
water and
sewage
may be
required.

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

(2) Where under the provisions of any Act for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of that Act shall apply to such sewers accordingly. Provided that the powers of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3) (a) Where in any street separate sewers for sewage and surface water 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 person 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 effectually to 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. A.D. 1923.

54. 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 or the lands draining thereto 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. Power to require specially enlarged sewer in new street.

55.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Council or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds. Prohibiting entry of petrol &c. into sewers.

(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

56.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises 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 Council may order houses to be drained by a combined drain.

A.D. 1923. — 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 subject to a right of appeal under subsection (4) of this section.

(2) 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.

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof. On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

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

57. 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.

As to
repair of
private
drains.

58. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Council may

remit the payment of the same by the owner or owners if they think fit. A.D. 1923.

59. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer 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 such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Power to lay drains in private streets.

60. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council with which he is entitled to have such sewer or drain to communicate 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.

Council to make communication between drains and sewers.

61. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain shall be laid relaid or amended or remade as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Council may cause the drain in respect of which such conviction has been obtained to be laid relaid or amended or remade as the case may require and may recover from such person in a summary manner as a civil debt the expenses incurred by them in so doing.

Power to reconstruct drain if laid in contravention of Public Health Act 1875.

62.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be

Notice of intention to repair drains.

A.D. 1923. — lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Council authorised in writing by him for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Wilful
damage
to drains
water-
closets &c.

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

Soil pipes
to be
ventilated.

64.—(1) The soil pipe of any water-closet within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Council shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART VIII.

SANITARY PROVISIONS AND INFECTIOUS DISEASE.

Houses
infested
with
vermin
to be
cleansed.

65.—(1) If the medical officer or the sanitary inspector has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer or sanitary inspector it appears to the Council that any house is infested with vermin the Council shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

A.D. 1923.
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(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Council may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Council in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Council in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirements contained in any notice given or any work done by the Council was reasonable and as to whether the costs and expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation or any boat lying in any river canal or other water within the district and used for the like purpose.

A.D. 1923.
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Cleansing of
verminous
persons.

66.—(1) The Council may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who or (where the person is a child) whose parent or guardian does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where a court of summary jurisdiction on the application of the Council and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Council shall in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) The examination or cleansing of females under this section shall be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(3) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(4) If any person at the request of the Council or under an order of such court shall cease his employment in order to comply with such order the Council may and in case of an order of the court shall make compensation to him for any loss he may suffer thereby.

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

(6) This section shall not apply to any child as defined in the section of this Act of which the marginal note is "Cleansing of children and their clothing."

67.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the district examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice. A.D. 1923.
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Cleansing of
children
and their
clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence.

A.D. 1923.

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In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

(6) For the purposes of this section the expression “child” means a person under the age of fourteen years.

Regulation
bins for
refuse &c.

68.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop in the district to provide portable galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Council.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligations under subsection (2) of this section 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 ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Street
orderly
bins.

69. The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or cinder in upon or under the streets of the district of such dimensions and in such positions as the Council after consultation with the Commissioner of Police of the Metropolis may from time to time determine.

Defining
establish-
ment of a
new
business for
purposes of
section 112

70.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first

time but also if without the consent in writing of the Council:— A.D. 1923.

- (a) It is removed from one set of premises to any other premises; or
(b) It is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or
(c) Any premises on which it is for the time being carried on are enlarged;

of Public
Health Act
1875.

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Council to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Council may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

71. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in any occupation connected with food intended for the use of man or knowingly carries on any trade or business connected with food intended for the use of man in such a manner as to be likely to spread the infectious disease he shall be liable on conviction to a penalty not exceeding forty shillings.

Prohibition
of infected
person
carrying on
business.

72. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any

Persons to
furnish
names of
laundry-
man to
whom

A.D. 1923. laundryman to whom any clothes or other things may
 — from time to time during the continuance of the infectious
 clothes &c. from disease be sent for washing or mangling from the house
 infected in which the case of infectious disease exists and such
 houses sent. person shall forthwith furnish such information accord-
 ingly. Any person who offends against this enactment
 shall for every such offence be liable to a penalty not
 exceeding five pounds.

Penalty on
 withhold-
 ing informa-
 tion from
 medical
 officer.

73.—(1) The occupier of any building in the district
 which is used for human habitation and in which there
 is or has been any person suffering from an infectious
 disease shall on the application of the medical officer or
 the deputy 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 know-
 ledge as the medical officer may reasonably require for
 the purpose of enabling measures to be taken to prevent
 the spread of the disease.

(2) Any occupier refusing to furnish such informa-
 tion or knowingly furnishes false information shall be
 liable on summary conviction to a penalty not exceeding
 forty shillings.

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

Removal
 of body of
 person who
 has died of
 infectious
 disease.

74. When any person suffering from infectious
 disease shall die of such disease in the district the medical
 officer may give notice to the person responsible for the
 conduct of the burial of the body of such person and when
 any such notice shall have been given it shall not be
 lawful to transport any such body by railway or other
 public conveyance (not being a conveyance reserved for
 such purpose) unless and until the medical officer has
 certified that every precaution necessary for the public
 safety has been adopted to his satisfaction and any under-
 taker and any person so responsible who shall after the
 giving of such notice knowingly remove or assist in re-
 moving 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.

75. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

A.D. 1923.

For prevent-
ing contact
with body of
person who
has died of
infectious
disease.

PART IX.

HUMAN FOOD.

76.—(1) No room shop or other part of a building in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping place.

No place
used for
storage &c.
of human
food to be
used for
sleeping
place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

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

For
regulating
manufac-
ture and
sale of ice-
cream &c.

(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 room cellar 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

A.D. 1923.

- (b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

shall be liable for every such offence upon summary conviction thereof to a penalty not exceeding five pounds.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or other similar commodity) suffering from any infectious disease the medical officer or sanitary inspector or any other officer who is duly authorised by the Council in that behalf 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.

(3) 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 vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other 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 vendor or merchant of 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 and any cart barrow or stand in or on which the same are offered for sale as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person

refusing entry into or inspection of 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.

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78. The Council may from time to time make
byelaws for securing the cleanliness and protection from
contamination of articles intended for human food while
being conveyed through or along any street.

Byelaws requir-
ing covering
over of meat &c.
during convey-
ance through
streets.

79.—(1) It shall not be lawful for any collector of
or dealer in rags or bones or similar articles or any person
carrying on the business of a rag and bone merchant
or any person acting on behalf of any such person as
aforesaid to sell or distribute within the district any
articles of food from any cart barrow or other vehicle
used for the collection of rags bones or similar articles
or in or from any shop or premises used for or in con-
nection with the business of a rag and bone merchant.

Rag and
bone
dealers not
to sell food.

(2) Every person who shall offend against this
section shall be liable to a penalty not exceeding five
pounds.

80.—(1) Subject to the provisions of this Act the
medical officer and the sanitary inspector or any officer
duly authorised by the Council in that behalf shall at
all reasonable times have power to enter the premises
of any vendor of or merchant or dealer in any commodity
intended for the food of man or any premises where
any such commodity is for the purposes of sale deposited
or stored or in preparation for sale for the purpose of
inspecting such premises and the materials or commo-
dities or articles of food therein.

Power to
enter and
inspect
premises
where food
is deposited
for sale.

(2) On any such inspection the said sanitary in-
spector or officer of the Council shall have power to take
samples of any such materials commodities or articles
of food found therein making reasonable payment there-
for if required and if he intends to submit any sample
to analysis he shall forthwith notify to the vendor mer-
chant or dealer or the agent of such person his intention
to have the same analysed and shall divide the sample
into three parts to be then and there separated and each
part to be marked and sealed or fastened up in such
manner as its nature will permit and shall if required
to do so deliver one of the parts to such vendor merchant

A.D. 1923. dealer or agent The officer shall afterwards retain one
— of the said parts for future comparison and submit
the third part if he deems it right to have the sample
analysed to the analyst.

PART X.

FINANCIAL.

Power to
borrow.

81.—(1) The Council may independently of any other borrowing power borrow at interest the sum requisite for paying the costs charges and expenses of this Act as hereinafter defined and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act which period is in this Act referred to as “the prescribed period.”

(2) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as “the prescribed period”) as may be prescribed by the Minister of Health.

(3) In order to secure the repayment of the money borrowed under this Act and the payment of interest thereon the Council may mortgage or charge the district fund and general district rate:

Provided that the provisions of this subsection shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is “Power to use one form of mortgage for all purposes.”

Section 234
of Public
Health Act
not to
apply.

82. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Method of
raising
money.

83. 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 or others Provided that the provisions of this Act

relating to sinking funds shall apply to sinking funds A.D. 1923.
formed for the repayment of moneys borrowed under
the Local Loans Act 1875 instead of the provisions of
section 15 of that Act. —

84. The following sections of the Public Health Provisions
Act 1875 shall (subject to the provisions of the section of Public
of this Act the marginal note of which is "Power to use Health Act
one form of mortgage for all purposes") extend and apply as to
to mortgages granted under this Act (that is to say):— mortgages
to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in cer-
tain cases).

85. The Council shall pay off all moneys borrowed Method of
by them on mortgage under the powers of this Act either payment
by equal yearly or half-yearly instalments of principal off of
or of principal and interest combined or by means of money
a sinking fund or partly by such instalments and partly borrowed.
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.

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

(a) By payment to the fund throughout the pre-
scribed period of such equal annual sums as will
together amount to the moneys for the repay-
ment 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 pre-
scribed period of such equal annual sums as
with accumulations at a rate not exceeding
three pounds ten shillings per centum per
annum or such other rate as the Minister of
Health may from time to time approve will
be sufficient to pay off within the prescribed

A.D. 1923.
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period 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 statutory securities the Council being at liberty from time to time to vary and transpose such investments.

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

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof 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 probable accumulations thereon (in the case of an accumulating sinking fund) will 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 Minister of Health that any such increase is necessary the Council shall increase the payments to such extent as the Minister of Health may direct. A.D. 1923.

(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 probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health 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 the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

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

A.D. 1923.

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Power to
invest all
sinking
funds in
statutory
securities.

87. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to
use one
form of
mortgage
for all
purposes.

88.—(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 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 and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(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 funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

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

payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted. A.D. 1923.

(7) 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.

(8) Any mortgagee or other person entitled to any mortgage granted 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 Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted 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.

(10) 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 except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

A.D. 1923.

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(11) 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.

Power to
use sinking
fund
instead of
borrowing.

89.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(b) moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund;

(b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum

withdrawn from such sinking fund and there-
upon the statutory borrowing power shall be
deemed to have been exercised as fully as if
the said amount had been raised by the issue of
a fresh security and the provisions of any
enactment as to the repayment and reborrowing
of sums raised under the statutory borrowing
power shall apply thereto accordingly.

A.D. 1923.
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(3) The provisions of this section shall not apply
to any sinking fund formed under the Local Loans
Act 1875.

(4) The Council shall furnish all such information (if
any) to the Minister of Health with regard to the exercise
of the powers contained in this section as that Minister
shall require.

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

Protection
of lender
from
inquiry.

91. 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 of mortgages of the Council shall be
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 any interest
thereon not entered in their register.

Council
not to
regard
trusts.

92.—(1) The Council shall have power—

- (a) To borrow for the purpose of paying off any
moneys previously borrowed under this Act
which are intended to be forthwith repaid; or
- (b) To borrow in order to replace moneys which
during the previous twelve months have
been temporarily applied from other funds

Power to
re-borrow.

A.D. 1923.

of the Council in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to
Ministry of
Health
as to
repayment
of debt.

93.—(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 under any statutory borrowing power and at any other time when the Minister of Health may require such a return to be made transmit to the Minister a return in such form as may be prescribed by him and if required by him 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 Minister 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 Minister of Health out of the High Court.

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(2) If it appears to the Minister of Health 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 the Act in pursuance of which the moneys are raised or by the Minister of Health 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 Minister of Health 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 Minister of Health out of the High Court.

94. Moneys borrowed or raised by the Council under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Applica-
tion of
money
borrowed.

95. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Rates may
be amended
to accord
with new
or supple-
mentary
valuation
list.

A.D. 1923.

Power to
grant
gratuities
in certain
cases.

96. The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 or the School Teachers (Superannuation) Act 1918 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

PART XI.

MISCELLANEOUS.

General
provisions
as to bye-
laws.

97. The provisions of the following sections of the Public Health Act 1875 (namely) :—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

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.

In execu-
ting works
for owner
Council
liable for
negligence
only.

98. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

99. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district. A.D. 1923.
—
Informations by whom to be laid.

100. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council 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 or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report 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 resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments authority &c.

101. ~~The Council may erect or fix street fire~~ Fire alarms.
alarms in such positions in any street road or public place within the district as after consultation with the Commissioner of Police of the Metropolis and in the case of main roads repairable by the Surrey County Council after consultation with that county council they think fit. Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

102. Every person who shall on Sundays in any street or public place within the district call or shout or ring any bell or use any other noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for crying newspapers on Sunday.

103. All steam or waste gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred Ejection of steam and waste

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District Council Act, 1923.

A.D. 1923. and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam or waste gas ejected from any locomotive boiler or engine now or hereafter belonging to any railway company or from any mechanically propelled road vehicle. 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.

gas to
annoyance
of public.

Penalty
on occupiers
refusing
execution
of Act.

104. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part V. (Streets and buildings) Part VI. (Watercourses) Part VII. (Sewers drains &c.) or Part VIII. (Sanitary provisions and infectious disease) of this Act or under 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.

Power to
enter
premises.

105. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V. (Streets and buildings) Part VI. (Watercourses) Part VII. (Sewers drains &c.) and Part VIII. (Sanitary provisions and infectious disease) of this Act as if those purposes had been mentioned in the said section 102.

As to
breach of
conditions
of consent
of Council.

106. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any

terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. A.D. 1923.
 —

107. All consents given by the Council under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council. Consent of Council to be in writing.

108. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

109. Where under the provisions of this Act or any local Act in force in the district 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 those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

110. 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 or valuer of the Council or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. As to appeal.

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

A.D. 1923.

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

Recovery of penalties &c.

112. 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.

Recovery of demands.

113. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Power to Ministry of Health to direct inquiries

114.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Council shall pay to the Minister of Health any expenses incurred by that Minister 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 Minister

not exceeding five guineas a day for the services of such inspector. A.D. 1923.

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

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

117. 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 by the Public Health Acts. Compensation &c. how to be determined.

118. 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 consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

119. 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. Judges &c. not disqualified.

120. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case Powers of Act cumulative.

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A.D. 1923. — may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown
rights.

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

Expenses
of Act.

122. The costs charges and expenses preliminary to and of and incidental to obtaining this Act or otherwise in relation thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of moneys borrowed by the Council for that purpose under the authority of this Act.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1923.

FORM OF MORTGAGE.

By virtue of the Mitcham Urban District Council Act 1923 and of other their powers in that behalf them enabling the Mitcham Urban District Council (hereinafter called "the Council") in consideration of the sum of

 pounds paid to the treasurer of the Council
by (hereinafter 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 and satisfied with interest for the same (subject as hereinafter provided) at 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 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 office of the Council in the said district [(subject as hereinafter 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 subsequent 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 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 .

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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 at the rate of
per centum per annum].

Dated this day of one
thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]
of
in consideration of the sum of
pounds paid to me by
of

(hereinafter 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 Mitcham Urban District Council 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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