

[13 & 14 GEO. 5.] *Broadstairs and* [Ch. xc.]
St. Peter's Urban District Council Act, 1923.



CHAPTER xc.

An Act to make further provision in regard to the water undertaking of the urban district council of Broadstairs and St. Peter's and the health local government and improvement of their district and for other purposes. A.D. 1923.

[2nd August 1923.]

WHEREAS the urban district council of the urban district of Broadstairs and St. Peter's in the county of Kent (in this Act referred to as "the Council") are the owners of a waterworks undertaking with the power and duty of supplying water within the urban district of Broadstairs and St. Peter's and parts of the parish of Garlinge in the rural district of the Isle of Thanet all in the county of Kent :

And whereas the existing resources of the Council are inadequate to meet the increased demands for water :

And whereas the mayor aldermen and burgesses of the borough of Margate (in this Act referred to as "the corporation") are supplying water within the borough of Margate and the neighbourhood thereof from works including a pumping station known as the Wingham pumping station authorised by the Margate Corporation (Water) Act 1902 :

And whereas the corporation have agreed to give to the Council and the Council have agreed to take from the corporation a supply of water on the terms and conditions set forth in the agreement contained in the

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A.D. 1923. Schedule to this Act and it is expedient that the said agreement should be confirmed and made binding on the corporation and the Council :

And whereas it is expedient to confer further powers upon the Council with regard to their parks and recreation grounds and the seashore of the district :

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

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas an estimate has been prepared by the Council for the purposes hereinafter mentioned and such estimate is as follows :—

For new mains extensions of mains and	£
other waterworks purposes - - -	15,000

And whereas the several works included in such estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years :

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 :

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 Broadstairs and St. Peter's Urban District Council Act 1923.

Division of Act into Parts.

2. This Act is divided into Parts as follows :

Part I.—Preliminary.

Part II.—Water supply.

Part III.—Recreation grounds seashore &c.

- Part IV.—Streets buildings sewers and drains. A.D. 1923.
Part V.—Infectious disease and sanitary provisions. —
Part VI.—Hackney carriages.
Part VII.—Financial.
Part VIII.—Miscellaneous.

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

Incorporation of Acts.

(1) The Lands Clauses Acts except—

Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) and except the provisions with respect to the taking of lands otherwise than by agreement:

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers):

Provided that section 35 of that Act in its application to the Council and the water limits shall be read and construed as if the words “one-eighth part” and “five successive years” were substituted therein for the words “one-tenth part” and “three successive years” respectively; and

(3) The Waterworks Clauses Act 1863.

4.—(1) 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.

Interpretation.

A.D. 1923.

(2) In this Act unless the subject or context otherwise requires—

- “ The Council ” means the urban district council of Broadstairs and St. Peter's;
- “ The district ” means the urban district of Broadstairs and St. Peter's;
- “ The Act of 1901 ” means the Broadstairs and St. Peter's Water and Improvement Act 1901;
- “ The Act of 1907 ” means the Broadstairs and St. Peter's Urban District Water Act 1907;
- “ The Act of 1913 ” means the Broadstairs and St. Peter's Urban District Council Act 1913;
- “ The Order of 1921 ” means the Broadstairs and St. Peter's Order 1921 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 6) Act 1921;
- “ The corporation ” means the mayor aldermen and burgesses of the borough of Margate;
- “ Water undertaking ” means and includes the waterworks of the Council and the works connected therewith established or provided under the Act of 1901 and the Act of 1907 and existing at the passing of this Act and all waterworks which may hereafter be constructed or acquired by the Council;
- “ The clerk ” “ the treasurer ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the clerk the treasurer the surveyor the medical officer of health and any 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 water limits ” means the limits within which the Council are for the time being authorised to supply water;
- “ The seashore ” means and includes the seashore foreshore and all the beach and sands within the district;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the district; A.D. 1923
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“Daily penalty” means a penalty for each day on which an 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 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.

(3) In the construction of the provisions of the Lands Clauses Acts and of the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expressions “the promoters of the undertaking” and “the undertakers” mean respectively the Council.

PART II.

WATER SUPPLY.

5. The agreement made between the corporation of the one part and the Council of the other part as set forth in the Schedule to this Act is hereby confirmed and made binding upon the corporation and the Council. Confirming scheduled agreement.

6. The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Council for the purposes of the undertaking. Dwelling-houses for persons employed by Council.

A.D. 1923.

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Power to
hold lands
and exer-
cise powers
for pro-
tection of
waters.

7.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Council may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes.

(2) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Council.

(3) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(4) The Council may make and carry into effect agreements with the owners lessees or occupiers of any land with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Council are for the time being authorised to take.

(5) Section 25 (Power to hold lands for protection of waterworks) of the Act of 1901 is hereby repealed.

Further
powers in

8. The Council shall have and may exercise within the water limits the powers which a local authority would

have under section 54 of the Public Health Act 1875 A.D. 1923.
with respect to the carrying of water mains within and —
without their district and for the purposes of that section relation to
the water limits shall be deemed to be the district of water
the Council. mains.

9.—(1) The Council may on the application of the Power to
owner or occupier of any premises within the water lay pipes
limits abutting on or being erected in any street laid in private
out but not dedicated to public use supply those streets.
premises with water and for that purpose the provisions
of the Waterworks Clauses Act 1847 with respect to the
breaking up of streets for the purpose of laying pipes shall
apply as if section 29 of that Act were excepted from
incorporation with this Act.

(2) Section 43 (Power to lay pipes in streets not
dedicated to public use) of the Act of 1901 is hereby
repealed.

10.—(1) As from the thirty-first day of December Rates for
one thousand nine hundred and twenty-three section 19 domestic
(Rates for supply of water for domestic purposes) of the purposes.
Act of 1907 is hereby repealed.

(2) As from the thirty-first day of December one
thousand nine hundred and twenty-three the following
provisions shall have effect (that is to say) :—

In respect of every dwelling-house or part of a
dwelling-house supplied by the Council with
water for domestic purposes there shall be paid
to the Council in respect of such supply rates
not exceeding ten pounds per centum per annum
upon the gross estimated rental of the premises
so supplied.

(3) The gross estimated rental of any such premises
as aforesaid shall mean the gross estimated rental as
ascertained by the valuation list in force at the com-
mencement of the quarter for which the water rate
accrues or if there is no such list in force by the last
rate made for the relief of the poor Provided always
that where the water rate is chargeable on the gross
estimated rental of part only of any hereditament entered
in the valuation list such gross estimated rental shall
be a fairly apportioned part of the gross estimated

A.D. 1923. rental of the whole tenement ascertained as aforesaid
— and the apportionment in case of dispute shall be ascer-
tained by a court of summary jurisdiction.

(4) In addition to the foregoing rates the Council may charge for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply by
measure.

11. As from the thirty-first day of December one thousand nine hundred and twenty-three sections 39 (Supply by meter in certain cases) and 40 (Supply of water for other than domestic purposes by measure) of the Act of 1901 shall be read and have effect as if the rate or price of two shillings per thousand gallons were substituted for the rate or price of one shilling and sixpence per thousand gallons therein mentioned.

Power for
Minister of
Health to
fix rates
&c. for
supply of
water.

12.—(1) The Minister of Health on the application of the Council or of twenty water consumers may from time to time fix by order the rates and charges for a supply of water for domestic purposes the additional charges in respect of every fixed bath capable of containing not more than fifty gallons and the maximum rates and charges for the supply of water by meter within the water limits.

(2) The Council shall as soon as practicable after an order is made in pursuance of subsection (1) of this section cause the order to be published in two successive weeks in one or more local newspapers circulating in the district and the order shall come into operation on and after the quarter day next following the date of the last of the said publications.

(3) On and after the date on which any order made in pursuance of subsection (1) of this section comes into operation section 39 (Supply by meter in certain cases) and section 40 (Supply of water for other than domestic purposes by measure) of the Act of 1901 as modified by this Act and the section of this Act of which the

marginal note is "Rates for domestic purposes" shall be read and have effect as if— A.D. 1923.

- (a) for the rates and sums specified in those sections there were substituted the rates and charges fixed by the order made as aforesaid; and
- (b) such other modifications were made in the said sections as are necessary to render the sections applicable to any premises rates or charges specified in the said order.

(4) Article 1 (Power of Minister of Health to fix rates &c. for a supply of water) and Article 2 (Alteration of local Acts on operation of new water rates and charges) of the Order of 1921 are hereby repealed.

13.—(1) Where water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Council may if a hose pipe or other similar apparatus is used charge any additional sum not exceeding twenty-five shillings per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this section shall be recoverable in all respects with and as the water rate. As to supply of water for motor vehicles &c.

(2) Section 68 (Supply of water by hose pipe to stables) of the Act of 1913 is hereby repealed.

14. Notwithstanding anything contained in section 70 of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rates and charges shall be payable at such date or dates as the Council may from time to time appoint provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months. Dates for payment of water rates.

15. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the manager of the water undertaking or some other officer of the Council to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which Power to remove meters and fittings.

A.D. 1923. — the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Inter-
ference
with valves
pipes and
fittings.

16. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Provision
of separate
communi-
cation
pipes.

17. If the owner of any house supplied with water by the Council when required to provide a separate pipe from the main pipe into such house in pursuance of section 49 (Council not bound to supply several houses by one pipe) of the Act of 1901 fails to do so within a period of one month after the receipt of such requirement the Council may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner summarily as a civil debt.

PART III.

RECREATION GROUNDS SEASHORE &c.

Power to
provide
grounds for
games
bathing
pools &c.

18. Subject to the provisions of this Act and subject as regards any land leased to the Council to the terms of such lease the Council may—

(a) In any promenade park or pleasure ground and other lands in the district of which for the time being they may be the owners or lessees lay out and maintain lawns grounds and courses for games and provide the necessary apparatus for the use of the same and do all such acts and employ such persons as may be required for those purposes;

(b) Upon any part of the seashore or other lands of which for the time being they may be the owners or lessees construct and maintain bathing pools bathing bungalows shelters and conveniences and provide all necessary and convenient apparatus in connection therewith. A.D. 1923.

19. The Council may by agreement purchase take on lease or acquire land for the purpose of athletic meetings cricket football and other games and may from time to time let for terms not exceeding twelve months to any club company body or persons the whole or any portion of any land purchased taken on lease or acquired by them under the powers of this section and may upon such lands construct and maintain all proper and convenient houses pavilions dressing rooms and other buildings works and conveniences. Power to acquire land for games &c.

20. The Council may make byelaws :—

- (a) For prohibiting or regulating the distribution or exhibition of handbills and placards or the soliciting of alms or the collection of subscriptions on the esplanades and parades for the time being of the district and public walks gardens and places of recreation adjacent to such esplanades and parades and the seashore and the approaches thereto ; Byelaws as to esplanades and sea-shore &c.
- (b) For the removal of all obstructions chains anchors tubs and other receptacles for nets cordage and other things which are or may hereafter be placed upon the said parades esplanades or seashore without the written consent of the Council :

Provided that nothing contained in this section or in any byelaws to be made in pursuance hereof shall affect or impair any prescriptive right of fishermen to the use of the seashore for the purposes of their calling.

21. The Council may appoint officers for securing the observance of this Part of this Act Parts III. (Pleasure grounds) and IV. (Seashore) of the Act of 1901 Part VI. (Seashore and pleasure grounds) of the Act of 1913 and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure Power to appoint officers.

A.D. 1923. — 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.

As to receipts and expenses.

22.—(1) Any moneys received by the Council in connection with the execution of the purposes of this Part of this Act shall be carried to the credit of the district fund.

(2) Any expenses incurred by the council in the execution of this Part of this Act shall be paid out of the district fund and general district rate.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

Exchange of parts of streets disused.

23. The Council may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Council be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Building line in new streets.

24.—(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 as shown unless within one month 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

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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.
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(3) The provisions of section 3 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 of 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 purpose 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) Section 79 (Width of new streets in certain cases) of the Act of 1913 is hereby repealed.

25. 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

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

A.D. 1923. — 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.

26.—(1) Any person deeming himself aggrieved by any requirement of or by the Council under either of the last two preceding sections 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.

Further powers as to future line of streets.

27.—(1) The Council may at any time after prescribing and defining the line of frontage of any street in pursuance of the power conferred upon them by section 78 (Council may define future line of existing streets) of the Act of 1913 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such line of frontage at the date when the same was so prescribed or defined shall be pulled down set back or altered so that the same shall not project beyond or in front of such line of frontage.

(2) The owner may and if so required by the Council shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Council under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Council under this section the Council shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

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(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation. A.D. 1923.
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(5) After any such line of frontage shall be so prescribed and defined as aforesaid any person who shall act contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

28. In the application to the district of section 17 of the Public Health Acts Amendment Act 1907 subsection (2) of that section shall not apply. Amendment of
section 17 of
Public Health
Acts Amend-
ment Act 1907.

29.—(1) In any case where a building shall have been reported to the Council as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Council on the report of the surveyor to be dangerous to such inmates or persons the Council may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same. As to
dangerous
buildings.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures in the district.

A.D. 1923.

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Removal of
dilapidated
and
neglected
buildings.

30.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner at his option to take down or repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council out of the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Byelaws
as to
admission
of light to
buildings.

31. 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.

As to repair
of private
drains.

32. 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.

33. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament. Saving for railway companies.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

34.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the district require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with. Power to close Sunday schools and exclude children from entertainments.

(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

(3) For the purposes of this section the expression "infectious disease" includes measles german measles whooping cough chicken pox and influenza and the expression "Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

35. If any person shall at the request of the Council stop his employment for the purpose of preventing the Power to compensate

A.D. 1923.

persons
ceasing em-
ployment.

Disinfect-
tion in case
of tuber-
culosis.

spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

36.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) or any part thereof would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer:

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer.

(b) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer who shall be authorised in that behalf in writing under the hand of the clerk and who shall produce this authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Council in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2)—(a) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Council for removal for the purpose of disinfection and any person who fails to comply with such requirements shall be liable to a penalty not exceeding five pounds.

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(b) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the owners free of charge.

(3) If any person sustains any damage by reason of the exercise by the Council of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Council and the amount of the compensation shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

37.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that by reason of the lodging or accommodation with which such person is provided being such that proper precautions to prevent the spread of infection cannot be taken or by reason of such precautions not being taken serious risk of infection is caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a registered medical practitioner to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the district or within a convenient distance of the district subject to the consent of the superintending body of such hospital or place and (subject to the like consent) for the detention and maintenance of such person therein for such period not exceeding three months

Removal of persons suffering from pulmonary tuberculosis to hospital.

A.D. 1923. as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give to the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Council may in their discretion during the period of detention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering and removed to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Council will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to such constable or officer of the Council as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

38.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if such officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 of the Summary Jurisdiction Act 1879.

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As to filthy premises.

(2) Any expenses incurred by the Council under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

39.—(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.

Houses infested with vermin to be cleansed.

(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.

(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

A.D. 1923. — 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.

Cleansing
of children
and their
clothing.

40.—(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.

(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. A.D. 1923.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section it is again necessary by reason of the neglect or default of the parent guardian or other person who is liable to maintain or has the actual custody of the child to proceed under this section the parent guardian or other such 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. 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.

41.—(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 under the age of sixteen years) consents to his leaving the house to be removed therefrom to such

Cleansing
of ver-
minous
persons.

A.D. 1923. — 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 under the age of sixteen years) 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 such 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 a child as defined by the last preceding section of this Act.

Rag and
bone dealers
not to sell
food.

42.—(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 connection with the business of rag and bone merchants.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds. A.D. 1923. —

43.—(1) Any premises ordinarily used or proposed to be ordinarily used for the preparation or manufacture of sausages pressed potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Council from time to time in such manner as they may direct and no premises shall be used for the purposes aforesaid unless the same are so registered and the Council shall have power to refuse registration of any premises where the conditions are unsuitable. Registra-
tion of
premises
used for
preserving
foods.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

(4)—(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.

44.—(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 as a
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.D. 1923. 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 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.

Sanitary regulations for premises used for sale &c. of food for human consumption.

45.—(1) From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the district in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale or (in the case of hotels or boarding houses where not less than six persons are boarded or lodged at any one time and in the case of restaurants or tea-rooms) with a view to consumption on the premises—

- (a) No urinal water-closet earth-closet privy ashpit or other like sanitary convenience shall be within such room shop or other part of the building or shall communicate therewith except through the open air or through an intervening ventilated space;
- (b) No drain or pipe for carrying off fœcal or sewage matter shall have any inlet or opening within such room shop or other part of the building;
- (c) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business;
- (d) Due cleanliness shall be observed in regard to such room shop or other part of the building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of the building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein 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. A.D. 1923.

(3) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

46.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Public notice to be given of provisions of this Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements have been complied with and the production of a certificate signed by an officer or servant of the Council that the notice required by this section has been affixed outside the council offices and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could readily be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

47.—(1) (a) The Council may by written notice to the owner and occupier of any registered slaughter-house within the district which from its situation or construction is in the opinion of the Council injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises: Power to close slaughter-houses if injurious to public health.

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(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Council shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house or either of them shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Council :

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Council object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Council and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Council shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Council under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

PART VI.

A.D. 1923.

HACKNEY CARRIAGES.

48.—(1) The Council may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the district to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Council may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

Inspection
and certi-
fication of
taximeters.

(2) The Council shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

49. The power to make byelaws conferred upon the Council by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

Byelaws
as to
hackney
carriages.

- (a) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Council;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) For the fixing of fares to be charged for the use of any motor hackney carriage by time and distance combined;

A.D. 1923.
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- (d) For the provision of a deposit of a reasonable sum by the owner of every motor hackney carriage applying for a licence for such carriage as a security for the number plate fare plate and inside number plate and for the deposit by the driver of every motor hackney carriage of a reasonable sum as security for his badge:
- (e) For the notification in writing to the clerk by the driver of any hackney carriage of any change in his place of abode.

PART VII.

FINANCIAL.

Power to borrow.

50.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenue fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the fourth column thereof (namely):—

1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For new mains extensions of mains and other water-works purposes.	£ 15,000	The revenue of the water undertaking the district fund and general district rate.	Forty years from the date or dates of borrowing.
(b) For paying the costs charges and expenses of this Act.	The sum requisite	The district fund and general district rate.	Five years from the passing of this Act.

(2) (a) 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:

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health : A.D. 1923.
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(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(3) (a) The Council may also with the consent of the Minister of Health borrow such money as may be necessary for the purposes of working capital for the water undertaking :

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(4) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Council by section 118 (Power to use one form of mortgage for all purposes) of the Act of 1913.

51. 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 moneys 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 invest all sinking funds in statutory securities.

52. The following sections of the Acts of 1901 and 1913 with any necessary modifications (and subject as regards mortgages granted under section 118 (Power to use one form of mortgage for all purposes) of the Act of 1913 to the provisions of that section) shall apply for the purposes of this Act as if they were herein re-enacted (that is to say) :— Application of financial provisions of Acts of 1901 and 1913.

(a) Act of 1901—

Section 107 (Mode of raising money) ;

Section 108 (Certain regulations of Public Health Acts as to borrowing not to apply) ;

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Section 109 (Provisions of Public Health Act as to mortgages to apply);

Section 112 (Regulations as to sinking fund);

Section 115 (Council not to regard trusts):

(b) Act of 1913—

Section 120 (Application of moneys borrowed);

Section 121 (Protection of lender from inquiry);

Section 122 (Mode of payment off of money borrowed);

Section 124 (Returns to Local Government Board as to sinking funds);

Section 130 (Expenses of executing Act).

Interest on mortgages held jointly.

53. Where more persons than one are registered as joint holders of any mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council or the treasurer by any other of them.

Receipt in case of persons not sui juris.

54. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Evidence of transfer or transmission of securities.

55. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Contingency fund for recreation grounds &c.

56.—(1) The Council may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) one-fifth of the aggregate capital sums for the time being expended by the Council on the recreations grounds conservatories winter gardens concert halls pavilions band-stands refreshment rooms assembly rooms reading rooms shelters baths kiosks and other

buildings which they may provide under the powers of the Acts of 1901 and 1913 and this Act to meet any deficiency of revenue or any extraordinary claim or demand unforeseen accident or extraordinary damage which may happen or be caused to the said winter gardens or buildings pay out of the district fund such a sum as they may think fit but not exceeding in any one year two per centum of the aggregate amount for the time being expended by them as aforesaid. A.D. 1923.

(2) Every sum set apart under this section shall be invested in statutory securities and the interest thereon shall be accumulated until the fund reaches one-fifth of the aggregate capital sums for the time being expended by the Council on the said recreation grounds winter gardens and buildings or is required for any of the purposes mentioned in this section.

PART VIII.

MISCELLANEOUS.

57. 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 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. Ejection of steam and waste gas.

58. The provisions of sections 102 and 103 of the Public Health Act 1875 shall so far as applicable extend and apply to the purposes of Part IV. (Streets buildings sewers and drains) and Part V. (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

59. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under the provisions of Part IV. (Streets buildings sewers and Penalty on occupiers refusing execution of Act.

A.D. 1923.

drains) and Part V. (Infectious disease and sanitary provisions) of this Act or any byelaw made under any of those provisions 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 work.

Damages
and charges
to be settled
by justices.

60. 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 the Acts of 1901 1907 or 1913 or 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.

Summons
or warrant
may con-
tain several
sums.

61. Where the payment of more than one sum by any person is due under the Acts of 1901 1907 or 1913 or under this Act any summons or warrant issued for the purposes of either of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Confirma-
tion of
byelaws.

62. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act Provided that as respects byelaws made under the provisions of the section of this Act of which the marginal note is "Byelaws as to esplanades and seashore &c." the Secretary of State shall be substituted for the Minister of Health Provided also that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

As to
appeal.

63. Any person deeming himself aggrieved by any order judgment determination or requirement or the

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withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Part IV (Streets buildings sewers and drains) Part V (Infectious disease and sanitary provisions) or Part VI (Hackney carriages) of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal.

A.D. 1923.

64. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of the Acts of 1901 1907 and 1913 and of this Act as if the same were re-enacted therein or herein.

Application of section 265 of Public Health Act 1875.

65. The following sections of the Acts of 1901 and 1913 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (that is to say)—

Application of miscellaneous provisions of Acts of 1901 and 1913.

Act of 1901—

Section 134 (Consent of Council to be in writing);

Section 137 (Compensation how to be determined):

Act of 1913—

Section 136 (Expenses may be declared private improvement expenses);

Section 140 (Apportionment of expenses in case of joint owners);

Section 141 (Recovery of penalties &c.);

Section 142 (Recovery of demands);

Section 143 (Informations by whom to be laid);

Section 144 (Penalties to be paid over to treasurer);

Section 145 (Judges not disqualified);

Section 146 (Saving for indictments &c.);

Section 147 (Powers of Act cumulative);

Section 149 (Crown rights).

66.—(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

Inquiries by Minister of Health.

A.D. 1923. — 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.

Works
below high-
water mark
not to be
constructed
without
consent of
Board of
Trade.

67. The Council shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

Costs of
Act.

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

[13 & 14 GEO. 5.] *Broadstairs and* [Ch. xc.]
St. Peter's Urban District Council Act, 1923.

The SCHEDULE referred to in the foregoing Act. A.D. 1923.

AN AGREEMENT made the eighteenth day of June one thousand nine hundred and twenty-three between the MAYOR ALDERMEN AND BURGESSES of the borough of Margate (hereinafter referred to as "the Corporation") of the one part and the URBAN DISTRICT COUNCIL OF BROADSTAIRS AND ST. PETER'S in the county of Kent (hereinafter referred to as "the Council") of the other part.

WHEREAS the Council are supplying water within the urban district of Broadstairs and St. Peter's and parts of the parish of Garlinge in the rural district of the Isle of Thanet all in the said county of Kent (which urban district and parts of the said parish are hereinafter referred to as "the Council's area of supply") and for that purpose have provided a pumping station with wells and other works at Rumfields (hereinafter referred to as "the Rumfields pumping station") in the said urban district :

And whereas the supply of water obtained from the Rumfields pumping station is inadequate to meet the demand in the Council's area of supply :

And whereas by an agreement dated the twenty-second day of April one thousand nine hundred and seven the Corporation undertook to supply the Council with water from their pumping station wells and other works in the parishes of Wingham in the rural district of Eastry and Adisham in the rural district of Bridge in the said county of Kent (hereinafter referred to as "the Wingham pumping station") for a period of fifteen years which expired on the thirty-first day of March one thousand nine hundred and twenty-three :

And whereas the Corporation have agreed to give a supply of water in bulk to the Council from the date of the expiration of the said agreement of the twenty-second day of April one thousand nine hundred and seven on the terms and conditions hereinafter contained.

Now it is hereby mutually agreed and declared as follows :—

1. Subject to the provisions hereinafter contained the Corporation shall supply from the Wingham pumping station and the Council shall take from the Corporation as from the first day of April one thousand nine hundred and twenty-three all

A.D. 1923.

such water as the Council may require for the purpose of use or supply within the Council's area of supply in excess of the supply of water which they may obtain from the Runfields pumping station in pursuance of the provisions hereinafter contained.

2. The supply shall be given from the Fleete reservoir of the Corporation and shall be delivered into the existing main of the Council at the point where such main at present connects with the works of the Corporation at the said Fleete reservoir (which point is hereinafter referred to as "the point of delivery").

3. The water to be supplied under this agreement shall be measured by means of the existing meter of the Council which is fixed at the point of delivery in the meter house at Fleete already provided by the Council and such meter shall be maintained and when necessary adjusted renewed or replaced by another meter by and at the expense of the Council but to the reasonable satisfaction of the Corporation. The Council shall keep the current meter records in the said meter house. The Corporation and the Council respectively (after giving reasonable notice in writing to the other party) shall at all reasonable times be at liberty by their servants or agents to open and inspect the said meter and to test the accuracy thereof and also to inspect and take copies of the said meter records.

4. All mains pipes or meters laid or fixed upon the property of the Corporation which have been provided by the Council shall be and remain their property and shall be maintained and renewed when necessary by the Council at their own expense to the reasonable satisfaction of the engineer for the time being of the Corporation. The Council shall pay to the Corporation on every first day of April during the continuance of this agreement the sum of one pound by way of rent for the land of the Corporation occupied by the mains pipes or meters provided by the Council as aforesaid but nothing in this agreement shall confer upon the Council any right or interest in the said land other than the right of entering thereon for the purpose of maintaining and renewing the said mains pipes and meters during the continuance of this agreement.

5. The Council shall pay to the Corporation for all water supplied in any year during the continuance of this agreement at the rate of such sum per one thousand gallons as shall be equal to the prime cost to the Corporation during such year per one thousand gallons of water delivered from the Wingham pumping station (hereinafter referred to as "the prime cost of the water") together with the addition of a sum equal to fifteen per cent. on such prime cost in respect of establishment charges and in respect of profit to the Corporation in connection with the supply to the Council.

6. For the purposes of this agreement the prime cost of the water in any year shall be ascertained by dividing (A) the total

expenditure of the Corporation on revenue account (exclusive of the matters covered by the addition of fifteen per cent. referred to in the last preceding clause but inclusive of loan charges) so far as such expenditure is incurred on or in connection with so much of the waterworks undertaking of the Corporation as is situate outside the boundary for the time being of the borough of Margate in that year for the pumping treating protecting and distribution of water obtained from the Wingham pumping station by (B) the quantity of water obtained from the Wingham pumping station during that year : A.D. 1923.

Provided that for the purpose of the foregoing calculation—

- (a) the quantities of water supplied by the Corporation to any consumers within the added water limits of the Corporation which are described in section 4 (Extension of limits) of the Margate Corporation (Water) Act 1902 and the village of Wingham shall be deducted from the quantity of water obtained from the Wingham pumping station and all receipts from consumers in the said limits of supply and village shall be credited to the expenditure on revenue account; and
- (b) the expenditure incurred by the Corporation in connection with their opposition to the Broadstairs and St. Peter's Urban District Council Bill 1923 shall not be taken into account.

7. The provisions of the last preceding clause hereof in regard to the calculation of the prime cost of the water may be reviewed at the instance of the Corporation or the Council as from the first day of April in the years one thousand nine hundred and twenty-eight one thousand nine hundred and thirty-eight one thousand nine hundred and forty-eight one thousand nine hundred and fifty-eight and one thousand nine hundred and sixty-eight upon either party giving to the other six calendar months' previous notice in writing of their desire for such revision and in default of agreement the question of the necessity for or desirability of the revision of such provisions and the terms of the amended provisions (if any) to be substituted therefor shall be determined by arbitration under the provisions hereinafter contained.

8. The Corporation shall during the continuance of this agreement provide maintain adjust and renew such meters as shall be required at the Wingham pumping station for measuring the quantity of water obtained therefrom and shall if necessary replace the same by others. The Corporation and the Council respectively (after giving reasonable notice in writing to the other party) shall at all reasonable times be at liberty by their servants or agents to open and inspect the said meters and to test the

A.D. 1923. accuracy thereof and the Council shall also be at liberty to inspect and take copies of the meter records at the office of the Corporation in the borough of Margate.

9. The Council or their authorised representatives shall at all reasonable times be entitled to inspect and take copies of the accounts relating to the water undertaking of the Corporation and all necessary books of the Corporation for the purpose of ascertaining the prime cost of the water and making any calculations for the purposes of this agreement.

10. If at any time any meter provided by the Corporation or by the Council shall be found to be measuring inaccurately or to be out of repair the Corporation or the Council as the case may be may and shall on the requisition of the Council or the Corporation as the case may be forthwith adjust or repair such meter or remove the same and provide another suitable meter in its place and during such period as any such meter shall be found to have measured inaccurately or shall have been removed and not replaced by another meter the quantity of water obtained from the Wingham pumping station or supplied to the Council as the case may be shall be deemed to be the quantity obtained or supplied during the corresponding period of the previous year with such addition or deduction in respect of increase or decrease of the quantity of water obtained or supplied as the case may be during such first mentioned period as may be agreed between the Corporation and the Council or as failing agreement shall be settled by arbitration as provided by this agreement.

11. Within fourteen days after the expiration of every quarter during the continuance of this agreement the Council shall pay to the Corporation such sum as shall be estimated to be due in accordance with this agreement for the water supplied to the Council during such quarter For the purpose of such estimate the prime cost of the water shall for the year during which the supply commences be taken at eightpence per one thousand gallons and for every succeeding year during the continuance of this agreement at the ascertained prime cost of the water for the immediately preceding year Within two calendar months after the expiration of every year during the continuance of this agreement the prime cost of the water for such year shall be ascertained and the amount payable under this agreement for the water supplied to the Council during such year shall be determined The difference between such amount and the sum then already paid by the Council for such year shall be added or deducted as the case may be to or from the next payment becoming due from the Council to the Corporation.

12. The Council shall take a minimum supply of seven million five hundred thousand gallons per quarter during the continuance of this agreement and shall pay the Corporation for that quantity whether such quantity shall be taken or not.

[13 & 14 GEO. 5.] *Broadstairs and* [Ch. xc.]
St. Peter's Urban District Council Act, 1923.

13. Nothing in this agreement shall preclude the Council from continuing to obtain a supply of water from the Rumfields pumping station but so long as water shall be obtained by the Council therefrom pumping thereat shall be continued in a reasonable manner throughout the year (except in cases of emergency or accident) In the event of the Council's intending to discontinue the use of the Rumfields pumping station they shall give six months' previous notice in writing thereof to the Corporation. A.D. 1923.

14. The Corporation shall not be liable for any loss or damage which may be occasioned to the Council or any other person or persons by any failure or deficiency in the supply of water to be given under this agreement if such failure or deficiency shall be due to frost drought insufficiency of pressure bursting of or accidents to aqueducts pipes or works or to any cause or circumstance not under the control of the Corporation or while the works of the Corporation shall be undergoing necessary repairs or cleansing and nothing in this agreement shall confer upon the Council any right to be supplied by the Corporation with water in priority to any other consumer supplied by them in the event of any failure or deficiency in the source of supply of the Corporation to meet the demands of all the consumers (including the Council) supplied by them Provided that in such event the Council shall be entitled to the like treatment which shall be given to consumers of water in the borough of Margate and in particular shall be entitled to the same proportion of the total quantity of water available for supply from the Wingham pumping station as the quantity of water supplied to them in the month immediately preceding such failure or deficiency shall have borne to the total quantity supplied from the Wingham pumping station in that month.

15. The Council shall not without the consent in writing of the Corporation supply water to any water authority for use outside the Council's area of supply but if such consent shall be given the provisions of this agreement so far as they legally may shall extend and apply to any water required by the Council for supply outside such area in accordance with such consent.

16. In this agreement the expression "year" means a period of twelve calendar months expiring at midnight on the thirty-first day of March and the expression "quarter" means a quarter of a year expiring at midnight on the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December.

17. This agreement shall (subject to clause 21) hereof continue in force until the thirty-first day of March one thousand nine hundred and seventy-three.

18. The Council shall use their best endeavours to obtain the insertion in the Broadstairs and St. Peter's Urban District

[Ch. xc.] *Broadstairs and* [13 & 14 GEO. 5.]
St. Peter's Urban District Council Act, 1923.

A.D. 1923. Council Bill now pending in Parliament of a clause confirming this agreement.

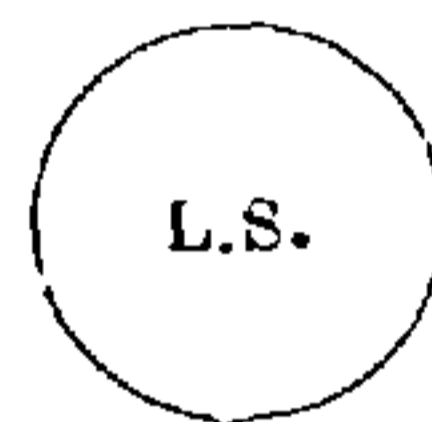
19. Any notice or consent required or authorised to be given by this agreement may be given under the hand of the town clerk for the time being of the borough of Margate or the clerk for the time being of the Council as the case may be and any such notice may be served by sending the same through the post in a prepaid letter addressed to such town clerk or clerk of the Council at his office.

20. Any dispute or difference which may arise between the parties hereto with reference to the meaning or effect of this agreement or the rights or liabilities of either party hereunder shall be referred to an arbitrator to be appointed (in default of agreement) by the President for the time being of the Institution of Civil Engineers on the application of either party hereto.

21. This agreement is subject to such alterations as Parliament may think fit to make herein but if any material alteration be made herein by either House of Parliament either party hereto may by notice in writing to the other to be given within one calendar month after such alteration shall have been communicated to the party giving such notice withdraw from this agreement and thereupon the same shall become null and void.

In witness whereof the parties hereto have caused their respective corporate and common seals to be hereunto affixed the day and year first before written.

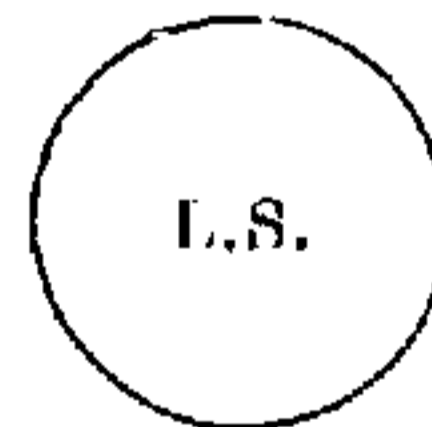
The corporate seal of the mayor aldermen
and burgesses of the borough of
Margate was hereunto affixed in the
presence of



WM. LEACH LEWIS
Mayor.

E. BROOKE
Town Clerk.

The common seal of the Broadstairs and
St. Peter's Urban District Council
was hereunto affixed in the presence of



H. BING
Chairman.

L. A. SKINNER
Clerk to the Council.

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