



CHAPTER CXV.

An Act to make provision for preventing pollution and obstruction of certain streams and securing proper land drainage in the county of Surrey to confer on the Surrey County Council further powers for those purposes and for the better government and administration of the county in relation to maternity homes employment agencies places of public entertainment and the manufacture and sale of ice-cream and with respect to main and arterial roads to authorise the Council to establish fire and employers' liability insurance funds and for other purposes.

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[7th August 1925.]

WHEREAS the stream known as the River Wandle (except one branch thereof) and the two streams known as the Beverley brook and the Hogsmill river rise in the administrative county of Surrey (hereinafter called "the county") and the said three streams flow through certain districts in the county where there has been and is much building development and where the population is large and increasing:

And whereas the county council of Surrey (hereinafter called "the Council") are empowered by section 14 of the Local Government Act 1888 to enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 (subject to the restrictions contained in the said

A.D. 1925. Act of 1876) in relation to so much of any stream as is situate within or passes through or by any part of the county :

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And whereas it is expedient in the interests of the public health of the county to confer on the Council such further powers and to make such provisions as in this Act contained with a view to the improvement of the condition of the said three streams :

And whereas the Council as the agricultural authority of the county have in the past exercised on behalf of the Ministry of Agriculture and Fisheries certain powers in regard to land drainage by which agricultural land in the county has been greatly benefited and it is expedient that further powers be conferred on the Council with respect to land drainage as in this Act provided :

And whereas it is expedient to confer on the Council such powers and to make such provisions as in this Act contained with reference to the better control of maternity and lying-in homes and of employment agencies or registries and of places ordinarily used for public dancing or music or other public entertainment of the like kind :

And whereas it is expedient and would be to the advantage of the inhabitants of the county that provisions be enacted as in this Act contained with reference to the manufacture and sale of ice-cream and the prevention of the spread of disease thereby :

And whereas owing to the proximity of the county to the metropolis and the rapid and continuing increase of the population of the county and the number of buildings therein and of the traffic on the roads in the county it is expedient that provision be made as in this Act contained for facilitating the widening or improvement of main and arterial roads in the county :

And whereas it is expedient that the Council be empowered to establish and maintain a fire insurance fund and an employers' liability insurance fund and that the other provisions of this Act be enacted :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 so far as the same are applicable have been

observed and the approval of the Minister of Health has been obtained : A.D. 1925.

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Surrey County Council Act 1925. Short title.

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

- Part I.—Preliminary.
- Part II.—Protection of certain streams.
- Part III.—Land drainage.
- Part IV.—Maternity homes.
- Part V.—Employment agencies.
- Part VI.—Music and dancing licences.
- Part VII.—Ice-cream vendors.
- Part VIII.—Roads.
- Part IX.—Insurance.
- Part X.—Financial.
- Part XI.—Miscellaneous.

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

4. In this Act unless the context otherwise requires :— Definitions.

Words and expressions to which meanings are assigned by the Lands Clauses Acts have the

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same respective meanings except where otherwise expressly enacted;

- “ The county ” means the administrative county of Surrey;
- “ The Council ” means the county council of the county;
- “ The Croydon Corporation ” means the mayor aldermen and burgesses of the borough of Croydon;
- “ The Wimbledon Corporation ” means the mayor aldermen and burgesses of the borough of Wimbledon;
- “ Urban district ” includes a borough but not a county borough;
- “ Local authority ” means the council of any urban district or rural district in the county and for the purposes of the sections of this Act of which the marginal notes respectively are “ Prohibition of pollution ” “ Notice for discontinuance of pollution ” “ Power to stop up outlets of sewers &c.” “ Saving for acts relating to roads ” and “ Saving rights of water undertakers ” includes the Croydon Corporation;
- “ Urban authority ” and “ rural authority ” respectively mean the local authority of an urban district and a rural district respectively in the county;
- “ The clerk ” “ the medical officer ” and “ the surveyor ” respectively mean (unless a contrary intention appears) the clerk to the Council and the county medical officer of health and the county surveyor for the county and include respectively any person duly appointed by the Council to discharge temporarily the duties of any such officer;
- “ Owner ” has the same meaning as in the Public Health Act 1875 except in Part VIII. (Roads);
- “ Daily penalty ” means a penalty for each day on which an offence is continued after conviction therefor.

PART II.

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PROTECTION OF CERTAIN STREAMS.

5. This Part of this Act shall apply to and only to such parts as are situate in or pass by the county of the three streams known respectively as the River Wandle the Beverley brook and the Hogsmill river and of all and any tributaries brooks channels culverts and watercourses flowing into those respective streams Provided that the Council shall not (except with the previous consent in writing of the London County Council) exercise any of the powers of this Part of this Act in relation to any part of the River Wandle and of the Beverley brook respectively or of any tributary of either of them which is vested in the London County Council as a main sewer of the metropolis by virtue of the Metropolis Management Act 1855.

Streams to
which
Part II.
applies.

6. In this Part of this Act unless the context otherwise requires:—

Definitions
for Part II.

“ Stream ” means any of the streams tributaries brooks channels culverts and watercourses or parts thereof respectively to which this Part of this Act applies and includes the bed and channel and shores thereof respectively;

“ Pollution ” does not include innocuous discolouration of any stream;

“ Solid matter ” does not include any particles of matter in suspension in water;

“ Oil ” means oil of any description and includes spirit produced from oil and oil mixed with water.

7. It shall be the duty of the Council by all lawful and proper means within their powers under this Part of this Act to preserve and maintain at all times so far as is reasonably practicable the flow and purity of the water of the parts of the River Wandle and the Beverley brook which are situate in or pass by the county and to which sections 226 or 227 of the Port of London (Consolidation) Act 1920 apply and to cause the surface of the said parts of those streams to be (so far as is reasonably practicable) effectually scavenged in order to secure the removal therefrom of substances liable to putrefaction.

Preserva-
tion of flow
and purity
of parts of
River
Wandle and
Beverley
brook.

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If and so long as the Council perform such duty it shall not be obligatory on the Port of London Authority to carry out as regards the said parts of the said streams the provisions of sections 226 to 239 (inclusive) of the Port of London (Consolidation) Act 1920 or any of them.

Improvement of Flow.

Power to
improve
flow &c.

8.—(1) Subject to the provisions of this Act the Council for the purpose of improving and maintaining the purity and improving and freeing or keeping free from obstruction the flow of any stream may:—

- (a) Dredge cleanse and scour any stream;
- (b) Reduce or remove any shoals shelves banks or other accumulations in any stream;
- (c) Abate or remove or cause to be abated or removed all impediments obstructions and nuisances whatsoever in any stream or on the banks thereof:

Provided that—

- (i) where a local authority is a riparian owner on any part of a stream the powers of this subsection shall not be exercised in respect of such part of the stream; and
- (ii) where a local authority owns any sluices or other works for controlling the flow of water in a stream such powers shall not be exercised in respect of any part of a stream which is in the district of that authority and in which the flow of water can be so controlled;

except in either case with the consent of the local authority but such consent shall not be unreasonably withheld and any dispute between the Council and the local authority as to whether any such consent has been unreasonably withheld shall be determined by the Minister of Health.

(2) The Council for the purpose mentioned in subsection (1) of this section may also by agreement with the owners of land adjoining or in or near to any stream restrict widen straighten and improve the stream and shorten any bend or remove any angle in the course of the stream.

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(3) Where any person sustains any damage by reason of the exercise of any of the powers of subsections (1) and (2) 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 any dispute as to the fact of damage or amount of compensation shall in default of agreement be determined by and compensation (if any) shall be recoverable in a court of summary jurisdiction :

Provided that nothing in this subsection shall impose any liability on the Council to make compensation to any person with whom they have entered into an agreement under subsection (2) of this section for any damage caused by or resulting from the proper exercise by the Council of their powers under subsection (2) of this section in accordance with the terms of the agreement.

9.—(1) If any part of any stream is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Council may by notice in writing require any owner or occupier of any lands abutting on that part of the stream or any person by whose act or default the proper flow of water in that part of the stream is obstructed or impeded to clear or put in proper order that part of the stream so as to allow the proper flow of water along the same.

Clearing of
streams.

(2) If any person to whom any such notice is lawfully given by the Council neglects to comply with the requirements of the notice within the period (not being less than one month) stated in the notice or (if an appeal is entered against the notice under the next following subsection) within one month from or such other period as may be specified in the order of the court the Council may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(3) Any person aggrieved by any requirement of any notice given to him by the Council under this section may appeal to a court of summary jurisdiction. Provided that the appeal is made within fourteen days from the receipt by him of such notice and that notice in writing of the appeal is sent to the Council within twenty-four hours after the entry of the appeal.

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(4) On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as the court shall deem just and the costs of the appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Prohibition
against
dredging
without
licence of
Council.

10. It shall not be lawful for any person to dredge or raise any gravel sand ballast or other substance from the bed of any stream so as to interfere with or prejudice the flow of the stream except under and in accordance with a licence granted by the Council proof of which licence shall lie on the person accused. If any person acts in contravention of this enactment he shall for every such offence be liable to a penalty not exceeding twenty pounds.

Saving for
sanitary
authorities.

11. The powers conferred upon the Council by the sections of this Part of this Act whereof the marginal notes respectively are "Power to improve flow &c." "Clearing of streams" and "Prohibition against dredging without licence of Council" shall not be exercised—

(a) in respect of any part of the Beverley brook or of any tributary brook channel culvert or watercourse flowing into the Beverley brook which is within the borough of Wimbledon and controlled by the Wimbledon Corporation under the Wimbledon Corporation Act 1914 except with the consent of that corporation;

(b) in respect of any part of any tributary brook channel culvert or watercourse flowing directly or indirectly into the main stream of the River Wandle the Beverley brook and the Hogsmill river which is vested in or controlled by a local authority or in relation to which the local authority is enabled by any statutory enactment to exercise such powers except with the consent of the local authority;

but in either case such consent shall not be unreasonably withheld and any dispute between the Council and the local authority as to whether any such consent has been unreasonably withheld shall be determined by the Minister of Health.

12. The Council shall not execute any works authorised by the sections of this Part of this Act whereof the marginal notes respectively are "Power to improve flow &c." and "Clearing of streams" in any part of a stream which is situate on the property of a railway company except at a time or times to be agreed between the Council and the company and such works shall be carried out to the reasonable satisfaction of the engineer of the company. If there is any disagreement as to the time and manner of carrying out the works the same shall be referred to and decided by an arbitrator appointed by the President of the Institution of Civil Engineers.

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Saving for
railway
companies.

Prevention of Pollution and Obstruction.

13. If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things namely—

Prohibition
of pollution.

- (a) opens into any stream any sewer drain pipe or channel whereby sewage or any offensive or injurious matter (whether solid or fluid) shall or is likely to flow or pass into such stream;
- (b) wilfully causes or knowingly suffers any sewage or any offensive or injurious matter (whether solid or fluid) to flow or pass from any land works or other premises in the county into any stream;

he shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds. Provided that—

- (i) this section shall not apply in respect of the opening into any stream of any sewer drain pipe or channel connecting with any works constructed by a local authority after the passing of this Act with the approval of the Minister of Health for the purpose of the purification of sewage or the disposal of surface water but this proviso shall not authorise the flow or passage of any offensive or injurious matter into any stream from any such sewer drain pipe or channel; and

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- (ii) paragraph (b) of this section shall not apply to any sewage or matter as aforesaid flowing or passing into a stream down or through a sewer drain pipe or channel which at the passing of this Act was lawfully used for that purpose.

Notice for
discontinu-
ance of
pollution.

14.—(1) Whenever any sewage or any offensive or injurious matter (whether solid or fluid) is caused or suffered to flow or pass from any land works or other premises in the county into any stream the Council may give notice in writing to the person causing or suffering the same so to flow or pass requiring him within a time to be specified in the notice (not being less than three months) to discontinue such flow or passage.

(2) The Council may if they think fit at any time and from time to time extend the time specified in any such notice by another notice in writing.

(3) If any person to whom any such notice is given is aggrieved by reason of the time allowed either by the original or by any subsequent notice not being sufficient he may (not later than one month before the expiration of the time so allowed) by writing delivered to the clerk demand an extension of such time and if the Council refuse to comply with such demand the question of such extension shall be referred to an arbitrator (to be appointed by agreement or failing agreement by the Minister of Health on the application of either party) who shall have power to extend the time so allowed.

(4) Any person to whom any notice is under this section given by the Council shall (notwithstanding anything in any other Act) within the time allowed by the notice or any extended time allowed by a subsequent notice or by an arbitrator discontinue the flow or passage of the sewage or matter to which the notice refers and in default of so doing shall be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

(5) Any notice given under this section by the Council to the owner or occupier of any land or premises shall continue in force notwithstanding any temporary or partial suspension of the flow or passage of sewage or matter aforesaid from such land or premises and notwithstanding any change in the ownership or occupation of such land or premises and shall affect the owners and

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occupiers of such land or premises in succession to the owner or occupier upon whom such notice was served in like manner in every respect and with the same obligations and consequences as though any such successive owner or occupier were the owner or occupier upon whom such notice was served.

(6) The provisions of this section shall not apply—

(a) in respect of the effluent from any sewage works constructed by a local authority before or after the passing of this Act with the consent of the Minister of Health or the Local Government Board or some other Government department or under the authority of Parliament if and so long as the local authority shall make maintain and use adequate provision by depositing tanks filter beds or otherwise for the purification and clarifying of such effluent; or

(b) in respect of the flow or discharge of storm water from any surface water drain constructed by a local authority before or after the passing of this Act with the consent of the Minister of Health or the Local Government Board or some other Government department or under the authority of Parliament:

Any dispute between the Council and any local authority as to whether the local authority are making maintaining and using adequate provision as mentioned in paragraph (a) hereof shall be determined by the Minister of Health.

For the purpose of this subsection any sewage works or surface water drain for the cost of which a loan has been sanctioned by the Minister of Health or the Local Government Board or some other Government department shall be deemed to have been constructed with the consent of the Minister of Health or the Local Government Board or other Government department.

(7) Notwithstanding anything in this section a person lawfully entitled at the passing of this Act to cause or suffer to flow or pass into any stream any offensive or injurious matter (whether solid or fluid) arising

A.D. 1925. from any trade or manufacture carried on by him shall not be required to comply with any notice given to him by the Council under this subsection if and so long as—

- (i) he is unable consistently with the reasonable and lawful carrying on of any customary process in connection with his trade or manufacture to prevent such matter so flowing or passing into the stream; and
- (ii) he is using the best practicable means within a reasonable cost to render harmless the matter so flowing or passing:

Provided that the onus of proof with respect to paragraphs (i) and (ii) aforesaid shall be on the person so causing or suffering any such matter to flow or pass into a stream.

Power to
stop up out-
lets of
sewers &c.

15.—(1) A court of summary jurisdiction before which any person is summoned under either of the sections of this Part of this Act of which the marginal notes respectively are "Prohibition of pollution" and "Notice for discontinuance of pollution" may (in lieu of or in addition to inflicting a penalty and whether they record a conviction or not) make if they think fit an order for the stopping up of the inlet or outlet of any sewer drain pipe or channel in respect of or by means of or down or through which such offence was committed. Provided that no such order shall be made unless a statement was contained in the summons of the intention to apply for such an order.

(2) If the court makes any such order the Council may stop up the inlet or outlet of the sewer drain pipe or channel to which the order relates and for that purpose may enter upon any lands and do all works that appear to them requisite and may recover summarily as a civil debt from the person so offending all expenses incurred by them in so doing with costs.

(3) If any person prevents or obstructs the Council or any of their officers or servants in carrying out the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding twenty pounds.

16. Every person who wilfully causes or knowingly suffers to flow or pass into any stream— A.D. 1925.

(a) any fluid of a temperature of more than one hundred and ten degrees of Fahrenheit's thermometer from any manufactory or manufacturing process; or Prohibition
of discharge
of heated
fluids
effluent
from gas-
works &c.

(b) any refuse or effluent from gasworks;

shall be deemed to have committed an offence against paragraph (b) of the section of this Act of which the marginal note is "Prohibition of pollution" and shall be liable to the penalties in that section mentioned. Provided that where any such fluid as is referred to in paragraph (a) of this section falls or flows or is carried into any stream along a channel which at the passing of this Act was lawfully used for that purpose or any new channel constructed in substitution for such a channel and having its outfall at the same spot the person causing or knowingly suffering the fluid so to flow or pass or to be carried shall not be deemed to have committed an offence against that paragraph if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and reasonably available means to render harmless the fluid so flowing or passing into the stream:

Provided also that where any small quantities of any such heated fluid as is referred to in paragraph (a) of this section falls or flows or passes into a stream from the operation of blowing down boilers the person causing or suffering the same so to fall or flow or pass shall not be deemed to have committed an offence against paragraph (b) of the said section of this Act of which the marginal note is "Prohibition of pollution" unless such small quantities of heated fluid either directly or in combination with other small quantities of heated fluid falling or flowing or passing into the stream from the same or similar operations of the same or other persons tend to pollute or to be detrimental to the purity of the water of the stream.

17. Every person cutting and also every person employing others to cut or knowingly suffering persons in his employment to cut weeds grass or other vegetation in any stream shall remove or cause to be removed therefrom such weeds grass or other vegetation immediately Weeds &c.
not to be
thrown into
streams.

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after the cutting thereof so as to prevent their remaining and decaying in and contaminating the water of the stream Any person who fails to comply with this subsection shall for every such default be liable to a penalty not exceeding five pounds.

Prohibition
of throwing
&c. gravel
offensive
matter
&c. into
streams.

18. If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things in the county namely—

- (a) unloads throws or puts or causes or knowingly suffers to fall or pass into any stream any gravel stones earth mud ashes dirt soil or rubbish so as to tend either directly or in combination with similar acts of the same or other persons to impede the proper flow or be detrimental to the purity of the water of the stream;
- (b) unloads throws or puts or causes or knowingly suffers to fall or pass into any stream any substance liable to putrefaction;
- (c) throws or sweeps or employs any other person to throw or sweep or knowingly suffers any person in his employment to throw or sweep into any stream any weeds grass or other vegetation;
- (d) causes or knowingly suffers to flow or pass into any stream any oil or tar;
- (e) unloads throws or puts any such gravel substance matter or thing as aforesaid in any place where the same is likely to be carried by floods into any stream;
- (f) puts and allows to remain for more than forty-eight hours any heap or collection of manure ashes or other offensive matter (whether solid or fluid) upon any bank of any stream or puts and allows to remain for more than forty-eight hours any such heap or collection near to any stream at any point so that the same will or may be likely to drain be blown or pass into any stream;

he shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

Restrictions on Buildings over Streams.

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19.—(1) No person shall at any time hereafter erect construct or place or cause or permit to be erected constructed or placed in or directly over the waterway or bed of any stream any building structure erection bridge arch culvert pipe or other work or thing (in this section referred to collectively as "work") or reconstruct or alter or cause or permit to be reconstructed or altered any work erected constructed or placed in or directly over the waterway or bed of any stream before or after the passing of this Act unless and until he shall have submitted for the approval of the Council plans sections and particulars of the work and the manner in which the same is to be erected constructed or placed or reconstructed or altered (as the case may be) and such plans sections and particulars have been approved by the Council or by an arbitrator as hereinafter provided Provided that this subsection shall not apply to the erection construction placing reconstruction or alteration of any work over the waterway or bed of any stream unless the work will or may have the effect of interfering with the free passage of water along the stream.

Restrictions
as to build-
ings &c. in
or over
streams.

(2) If the Council shall not within six weeks after the delivery of the plans sections and particulars signify in writing their approval or disapproval of any intended work or of the reconstruction or alteration of any existing work (as the case may be) to the person who delivered such plans sections and particulars with in the case of disapproval their reasons for such disapproval they shall be deemed to have approved the said plans sections and particulars.

(3) The Council may attach to their approval any condition which they may deem proper.

(4) If the Council disapprove of the plans sections and particulars or if any difference shall arise as to the reasonableness of any conditions which the Council may attach to their approval of the plans sections and particulars then the plans sections and particulars or the conditions shall be referred to an arbitrator to be agreed or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the person on whose behalf the plans sections and particulars were submitted or of the Council and the

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arbitrator shall settle the plans sections and particulars with or without modifications or disapprove the same or shall settle the conditions to be attached to the plans sections and particulars.

(5) Every such work shall be erected constructed or placed or reconstructed or altered (as the case may be) in accordance with the plans sections and particulars as so approved by the Council or settled by an arbitrator as aforesaid and subject to such conditions as may be attached by the Council or the arbitrator to such approval.

(6) If any such work or the reconstruction or alteration of any such existing work is commenced or completed without such approval of the Council or of an arbitrator as aforesaid or in any respect otherwise than in conformity with the plans sections and particulars as so approved and with any condition attached to such approval the person who commenced or completed the same or caused or permitted the same to be commenced or completed shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(7) On conviction of any person under this section the court may make such order with regard to the removal reinstatement or modification of the work as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom the same is directed the Council may (without prejudice to the liability to any penalties or to any other remedy or proceeding) cause such work to be pulled down and removed or reinstated as the case may be and any expense incurred by them in or about the pulling down and removal or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(8) Nothing in this section shall affect the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1924.

(9) The provisions of the Arbitration Act 1889 shall apply to any reference to an arbitrator under this section.

(10) The provisions of this section shall not be in force or have effect within the borough of Wimbledon and the urban district of Mitcham.

20.—(1) If any part of a stream situate in or adjoining any land laid out for building requires in the opinion of the Council to be wholly or partially filled up or covered over the Council may by notice in writing require the owner of the land to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such stream a drain pipe or culvert with all necessary shoots and means of conveying surface water into the same. Provided that nothing in this section shall authorise the Council to require the filling up or covering over of any part of a stream wholly or partly belonging to any person other than the owner of the land so laid out for building.

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As to cover-
ing of
streams.

(2) All works required by the Council to be done under this section shall be completed to the satisfaction of the surveyor before any building operations on such land are proceeded with.

(3) Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction. Provided that the appeal is made within fourteen days after notice of the requirement has been served upon him and that notice in writing of the appeal is sent to the Council within twenty-four hours after the entry of the appeal.

(5) On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as the court shall deem just and the costs of the appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

21. Where any obstruction is or may be caused to any stream by any inadequate or insufficient culvert channel or other work belonging to or under the control of a local authority in the county the Council and the local authority may enter into and carry into effect agreements for and with respect to the carrying out by either party to the agreement of any works with respect to the repair reconstruction or removal of such culvert channel or other work or the construction and maintenance of a proper and sufficient culvert channel or other work and

For pre-
venting
obstruction
to streams
by culverts
&c.

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Provided that nothing in this section shall be deemed to restrict the exercise by any local authority of their powers in relation to culverts channels or other works.

Enforcement of Provisions.

Powers of
entry and
taking
samples.

22.—(1) It shall be lawful for any officer or other person authorised in that behalf by the Council to enter on or into and examine and lay open any land building or work in the county in order to :—

- (a) Carry out the powers conferred on the Council by the section of this Part of this Act of which the marginal note is " Power to improve flow &c. " ; or
- (b) Inspect and detect any offences against this Part of this Act ; or
- (c) Take and carry away samples of any effluent or other liquid whether at the point where the liquid passes into any stream or at any point from which such liquid flows into any stream either directly or through across or under any other lands or premises :

Provided that—

- (i) No land building or work shall be laid open under the powers of this subsection except with the consent of the occupier thereof or under an order of a court of summary jurisdiction ;
- (ii) The Council shall forthwith at their own expense make good and restore to its former condition any land building or work laid open under their authority under this subsection.

(2) If admission to or consent to the laying open of any land building or work or consent to the doing of any of the things mentioned in paragraphs (a) (b) and (c) of the preceding subsection is refused any court of summary jurisdiction on complaint thereof on oath by any officer of the Council (made after not less than two clear days

previous notice in writing of the intention to make the same has been given to the person in the occupation or in charge of the land building or work) may by order require that person to admit the officers of the Council or other persons authorised by them on or into the land building or work and to permit them or any of them to examine and lay open the same or to do any of the things aforesaid.

(3) If no person in the occupation or in charge of the land building or work can be found the court shall (on oath made before it of the fact) by order authorise the said officers and persons or any of them to enter on or into such land building or work and to examine and lay open the same and do any of the things aforesaid.

(4) Any order made under this section shall continue in force until the purposes for which such order was made are completed.

(5) Any person who refuses to admit any such officer or other person as aforesaid on or into any land building or work or obstructs or molests any such officer or other person in the exercise of his powers under this section or refuses to obey an order made under this section shall be liable to a penalty not exceeding five pounds.

(6) Any samples taken under this section shall be taken in triplicate and before they are removed from the premises where they were taken shall be respectively sealed up and marked by the person taking the same and one of such triplicate samples shall be left by such person with the occupier of the premises whence the liquid flows or other the person responsible for or causing or permitting the passing of the liquid into the stream another sample shall be submitted by the Council (if they think fit) for analysis and the third sample shall be retained by the Council for future comparison.

(7) Where any person sustains any damage by reason of the exercise of any of the powers of this section full compensation shall be made to him by the Council and any dispute as to the fact of damage or amount of compensation shall in default of agreement be determined by and compensation (if any) shall be recoverable in a court of summary jurisdiction but no such compensation shall be made to such person if the court shall decide that the exercise by the Council of the powers of this

A.D. 1925. — section was caused by such person having committed a breach of the provisions of this Part of this Act.

(8) The provisions of this section shall not authorise the Council or any officer or servant thereof to enter on or interfere with any lands lying between the fences of the railway of any railway company.

Savings.

Saving for
certain acts.

23. No person shall be deemed to have committed an offence against this Part of this Act for doing or causing to be done any of the following acts (that is to say) :—

(1) Constructing improving or maintaining in or across any stream any building bridge weir dam sluice or other permanent work with necessary temporary coffer-dams and other works which but for the passing of this Act he would have a legal right to construct improve or maintain Provided that he shall have complied with the provisions of the section of this Part of this Act of which the marginal note is " Restrictions as to buildings &c. in or over streams " if those provisions apply :

(2) Pitching or depositing stones or any other suitable or solid materials (not likely to be washed or carried away by the stream or current rising to the line of an ordinary flood) at the side or on the bank of any stream for the express and bonâ fide purpose of reclaiming land washed away by the action of any stream or of supporting or protecting or repairing the side or bank of any stream or of erecting or repairing any bridge or any building drain sewer or watercourse upon or within the banks of any stream or the slopes or walls thereof at or convenient to the point at which the same shall be so pitched or deposited ;

(3) Putting back or permitting to be carried into any stream any sand or gravel or other natural deposit which shall have flowed from or been deposited by the current of the stream Provided that the sand or gravel or other natural deposit so put back or carried as aforesaid do not interfere with the due flow of or pollute the waters of the stream.

24.—(1) No local authority or highway authority who uses to a reasonable extent—

- (i) any fluid for the cleansing of any road in the district of the local authority or maintained by the highway authority; or
- (ii) any oil or tar in the construction maintenance or repair of a highway being constructed by or vested in and repairable by the authority;

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Saving for
acts relating
to roads.

shall be deemed to have committed an offence against paragraph (b) of the section of this Act of which the marginal note is “ Prohibition of pollution ” or against paragraph (d) of the section of this Act of which the marginal note is “ Prohibition of throwing &c. gravel offensive matter &c. into streams ” by reason of such fluid or oil or tar flowing or passing into any stream if the authority shall have used all reasonable means to prevent the fluid or oil or tar so flowing or passing as aforesaid.

(2) For the purposes of this section the expression “ highway authority ” means with reference to any road or part of a road or bridge the authority or company charged with or liable for or to contribute to the maintenance of such road or part of a road or bridge.

25. Nothing in this Part of this Act shall take away limit alter or prejudicially affect any right power authority jurisdiction or privilege of the Wimbledon Corporation in respect of the River Wandle and the Beverley brook under the Wimbledon Corporation Act 1914.

Saving
rights of
Wimbledon
Corporation.

26. Nothing in this Part of this Act shall take away limit alter or prejudicially affect any right power authority jurisdiction or privilege of the Mitcham Urban District Council in respect of the River Wandle under the Mitcham Urban District Council Act 1923.

Saving
rights of
Mitcham
Urban
District
Council.

27. Nothing in this Part of this Act shall take away limit alter or prejudicially affect any right power authority jurisdiction or privilege of the Wimbledon and Putney Commons Conservators in respect of the Beverley brook under the Wimbledon and Putney Commons Act 1871.

Saving
rights of
Wimbledon
and Putney
Commons
Conserva-
tors.

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Saving for
Croydon
Corporation.Saving
rights of
conserva-
tors
of River
Thames.

28. Nothing in this Part of this Act shall prejudice or affect the rights privileges or powers of the Croydon Corporation.

29. Nothing in this Part of this Act shall authorise the Council to take proceedings under the sections of this Act of which the marginal notes are as follows:—

“ Prohibition of pollution ”;

“ Notice for discontinuance of pollution ”;

“ Power to stop up outlets of sewers &c. ”;

“ Prohibition of discharge of heated fluids effluent from gasworks &c. ”;

“ Weeds &c. not to be thrown into streams ”;

“ Prohibition of throwing &c. gravel offensive matter &c. into streams ”

with respect to the Hogsmill river or any tributary brook channel culvert or watercourse flowing into that stream and nothing in or done under this Part of this Act shall interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the conservators of the River Thames under the Thames Conservancy Acts 1894 to 1924.

Saving
rights of
water un-
dertakers.

30. Nothing in this Part of this Act shall take away limit alter or prejudicially affect any right power authority jurisdiction or privilege of the Metropolitan Water Board or of any local authority or company carrying on a water undertaking authorised by Act of Parliament or prevent any such board authority or company from discharging water into any stream into which they are at the passing of this Act entitled to discharge water.

For protec-
tion of cul-
tivation of
watercress.

31. Nothing in this Part of this Act shall prevent the owners lessees or occupiers of watercress beds using any stream or any springs of water or works in connection therewith for the proper cultivation of watercress by any of the best known methods or from opening any such drains pipes or channels as may be required for the purpose of passing water through any such beds into any stream.

Saving
rights of
riparian
owners.

32. Nothing in this Part of this Act shall deprive any riparian owner except with his consent of any legal rights in the soil or bed of any stream or of using in a manner not inconsistent with the provisions of this Part

of this Act the water of any stream or of any legal remedies if such legal rights or legal remedies were vested in or exerciseable by him or by his predecessors in title at the passing of this Act or give any riparian owner any right as against the public which he did not possess before the passing of this Act.

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Miscellaneous.

33.—(1) The Council shall if they think fit establish a committee (to be called “ the River Wandle Advisory Committee ” and in this section referred to as “ the committee ”) for the purpose of giving advice and assistance to the Council with respect to the exercise of the powers or the carrying into effect of the provisions of this Part of this Act so far as the same relate to the River Wandle or to any tributary brook channel culvert or watercourse flowing into that river.

River
Wandle
Advisory
Committee.

(2) The committee if established shall consist of eleven members to be appointed as follows :—

Two members by the Council of whom one (nominated by the Council) shall be chairman and the other shall be deputy-chairman ;

Two members by the River Wandle Protection Association ;

One member by the Wimbledon Corporation ;

One member by the Beddington and Wallington Urban District Council ;

One member by the Carshalton Urban District Council ;

One member by the Merton and Morden Urban District Council ;

One member by the Mitcham Urban District Council ;

One member by the London County Council ;

One member by the Port of London Authority :

Provided that the committee may act notwithstanding any vacancy in their body and notwithstanding any refusal by some or any of the aforesaid bodies or authorities to appoint a member.

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(3) Each member of the committee shall hold office for a term of three years and at the end of the term shall be eligible for reappointment. If a member of the committee dies or resigns during his term of office the authority or body by whom he was appointed shall appoint another member in his place.

(4) The committee may meet when and where they think fit and may (subject to the provisions of subsections (5) (6) and (7) of this section) make such regulations as they think fit as to their procedure and do such other acts and things as they may deem necessary for the proper carrying out of the purposes for which they may have been constituted by this section.

(5) At every meeting of the committee the chairman shall preside and in his absence the deputy-chairman. If at any meeting of the committee both the chairman and the deputy-chairman shall be absent the members present shall choose one of their number to be chairman of the meeting.

(6) At all meetings of the committee each member present shall be entitled to one vote and every question at any such meeting shall be determined by the majority of the members present and voting on the question. If there is an equality of votes the chairman or other person presiding at the meeting shall have a casting vote in addition to his vote as a member. Provided that if at any meeting neither of the members appointed by the Council is present and there is an equality of votes in choosing the member to preside at the meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(7) The committee for the purpose of their meetings and the transaction of their business shall utilise the office and the services of the staff of one of the local authorities in the county mentioned in subsection (2) of this section as they may from time to time select

(8) The committee may consider and report to the Council upon any matter arising under this Part of this Act and affecting the River Wandle or any of the said tributaries brooks channels culverts and watercourses and shall consider any such matter referred to them by

the Council and report thereon to the Council within six weeks from the date when it is so referred. A.D. 1925.

(9) Before the Council execute any works or exercise any other powers under the sections of this Act of which the marginal notes are—

“ Power to improve flow &c.”;

“ Clearing of streams ”;

with respect to the River Wandle or the said tributaries brooks channels culverts and watercourses they shall unless the matter is in their opinion urgent refer the matter to the committee (if the committee have been established) for their advice and shall take into consideration any representations which the committee may within six weeks after the matter has been so referred to them make to the Council thereon.

(10) The administrative expenses of the committee shall be paid by the Council and the other bodies entitled to appoint a member or members of the committee in such shares as may be agreed between them or in the event of difference determined by the Minister of Health on the application of the Council or any such body and the share payable by any such body shall be charged if incurred by a local authority against the fund or rate out of which expenses incurred by the authority in the execution of the Public Health Act 1875 are paid and if incurred by any other body against such fund or rate of the body as they may determine.

34.—(1) A court of summary jurisdiction before which any person is summoned under this Part of this Act for any act or default causing or contributing to or alleged to cause or contribute to the pollution or obstruction of any stream may (in lieu of or in addition to inflicting a penalty and in addition to any other remedial powers under this Part of this Act) by order require such person to abstain from the commission of such offence and where such offence consists in default to perform a duty under this Part of this Act may require him to perform such duty in manner in the said order specified. The court may insert in any order such conditions as to time or mode of action as it may think just and may suspend or rescind any order on such undertaking being given or condition being performed as it may think

Powers of
court on
offences
against
Part II.

A.D. 1925. — just and generally may give such directions for carrying into effect any order as to the court seems meet.

(2) Any person who fails to comply with any requirement of an order of the court under this section shall be liable to a penalty not exceeding fifty pounds for each and every day during which he is in default.

Appeal.

35.—(1) If either party in any proceedings is aggrieved by the decision of a court of summary jurisdiction under this Part of this Act such party may appeal to the next practicable court of quarter sessions holden in or for the county.

(2) If any defendant shall desire that the questions involved in any summons shall be decided in the High Court of Justice he may at any time within seven days after the service of such summons give notice to the Council of such his desire and shall be entitled as of course on application to the High Court to an order that the said summons and all proceedings thereunder shall be removed into the High Court and be there determined by one of His Majesty's judges from whose decision an appeal shall lie to the Court of Appeal on questions of law only. The provisions of this subsection shall be carried into effect in accordance with rules of the High Court.

(3) The provisions of this section shall not apply to any summons for enforcing the payment of penalties already adjudged by a court of competent jurisdiction to which any authority or person is liable by reason of such authority or person having been convicted of an offence against this Part of this Act or by reason of such authority or person having failed to comply with any order of a court made under this Part of this Act.

Right to
prosecute
to be in
Council
only.

36. It shall not be competent for any person other than the Council their solicitors officers or agents to institute or carry on any proceeding or prosecution under the provisions of this Part of this Act but nothing in this Part of this Act shall be deemed to affect any of the provisions of any Act or Acts for the time being in force relating to solicitors.

Part II. not
to legalise

37. Nothing in this Part of this Act shall be deemed to legalise or permit any nuisance or shall take

away or prejudicially affect any remedy or right which any person would or might have had or exercised if this Part of this Act had not been passed as against any person for the time being causing or suffering the flow or passage of any sewage or matter aforesaid.

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nuisances or
affect
remedies.

38. All the powers and provisions of this Part of this Act are in addition to and not in derogation of any other powers possessed by the Council under the Rivers Pollution Prevention Acts 1876 and 1893 or any other Act of Parliament and such other powers may be exercised and put in force by the Council as if this Part of this Act had not been passed. Provided that no person who has been adjudged to pay any penalty in pursuance of this Part of this Act shall for the same offence be liable to a penalty under any other Act.

Powers of
Part II.
cumulative.

39.—(1) Notwithstanding anything in this Act the Council shall not exercise any of the powers of this Part of this Act or institute any proceeding or prosecution under this Part of this Act if the same powers can be exercised or the same proceedings or prosecution can be instituted under any other special Act by a local authority or by a conservancy or other authority constituted by Act of Parliament unless the Council shall have given notice to the local or conservancy or other authority of their intention to exercise such powers or institute such proceedings and prosecution under this Part of this Act and either (i) such authority has refused or for a period of one month after such notice from the Council has neglected to exercise the powers or to institute the proceedings or prosecution which the authority can exercise or institute under such other Act as aforesaid or (ii) the Minister of Health shall on the representation of the Council have held that such other authority having commenced to exercise the powers or having instituted such proceedings or prosecution under such other Act have failed to pursue with due diligence the effectual exercise of their said powers or to carry such proceedings or prosecution to a decision.

Limitation
on exercise
of over-
lapping
powers.

(2) Nothing in this Part of this Act shall prejudice or affect or curtail the right of any sanitary authority to continue or to commence proceedings under any

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public Act against any person in respect of any pollution of any stream. Provided that proceedings shall not be taken by any such sanitary authority against any person under any such public Act while proceedings are pending against the same person in respect of the same offence under this Part of this Act.

(3) Nothing in this section shall require the Council to give notice to the Port of London Authority prior to the exercise by the Council of any of the powers of this Part of this Act or the institution of any proceedings or prosecution under this Part of this Act:

Provided that if at any time the Council fail for a period of one month after notice from the Port of London Authority requiring the Council so to do to exercise or to put into force any of the powers of this Part of this Act the Port of London Authority shall be at liberty to exercise the powers under sections 228 to 239 (inclusive) of the Port of London (Consolidation) Act 1920 so far as they are exerciseable with respect to the parts of the River Wandle and the Beverley brook to which this Part of this Act applies and in such event nothing in this Part of this Act shall limit alter take away or prejudicially affect any remedy power or right which the Port of London Authority would or might have had or exercised if this Part of this Act had not been passed.

Local
authorities
may contri-
bute to
expenses of
Part II.

40. The local authority of any district situate wholly or partly in the drainage area of any of the streams to which this Part of this Act applies may contribute towards any expenditure incurred by the Council in carrying into execution any of the provisions of this Part of this Act such sums as may be agreed between the local authority and the Council or the Council may charge the amount of any agreed contribution (including a contribution to any interest or loan charges in respect of moneys borrowed for payment of expenses of a capital nature) as costs incurred for a special county purpose upon the parish or parishes comprised in the district of the local authority or (if the district is a rural district) comprised in any contributory place in that district and if there be more than one such parish the amount shall be apportioned between the parishes according to the county rate basis for the time being in force.

PART III.

A.D. 1925.

LAND DRAINAGE.

41. The powers conferred by section 16 of the Land Drainage Act 1918 shall be exerciseable within the county by the Council as well as by the Minister of Agriculture and Fisheries Provided that any draft scheme made by the Council in pursuance of that section shall be settled by the said Minister and not by the Council and for that purpose the draft scheme and any objections thereto which may have been duly presented in accordance with subsection (2) of the said section shall be referred to the Minister who before settling the scheme shall consider any such objections and may if he thinks fit cause a public local inquiry to be held with respect to the scheme.

Schemes for
drainage of
small areas.

42.—(1) If from any cause any land drain or any part of any land drain within the county is in the opinion of the Council at any time in such a condition that the proper flow of water along or through the land drain is obstructed or impeded or that land is injured by water or in danger of being so injured the Council may serve upon any person by whose act omission or default such flow is obstructed or impeded or any such land is so injured or in danger of being injured or if no such person is known to the Council or can be ascertained by them after reasonable inquiry then upon any owner or occupier of any lands abutting upon such land drain notice in writing requiring the person upon whom the notice is served to clear or free from obstruction or to put in proper order such land drain or part thereof (subject however to such appeal as is hereinafter provided).

Clearing of
land drains.

(2) Any person upon whom any such notice has been served may within twenty-one days after the receipt of the notice appeal in a summary manner against the same to the court of summary jurisdiction for the district which contains or adjoins the drain and the court may annul or confirm the notice or vary the requirements thereof.

(3) If the notice as served or as varied or confirmed (as the case may be) is not complied with within one month from the date of the service of the notice or of its variation or confirmation (as the case may be) the

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Council may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(4) Provided that nothing in this section shall prejudice or affect the right of an owner or occupier to recover from the other of them under the terms of any lease or agreement or other contract for the time being in force the amount of any expense incurred under the foregoing provisions of this section or recovered by the Council under those provisions.

(5) Every person who shall at any time obstruct the Council or any person employed by them in the carrying out of such work as aforesaid shall be liable to a penalty not exceeding twenty pounds for every such offence.

(6) Where a local authority have powers vested in them for securing the proper flow of water along or through any land drain within their jurisdiction the Council shall not (except by agreement with that local authority) exercise the powers of this section in relation to that land drain unless after reasonable notice from the Council the local authority have made default in the proper exercise of such powers as aforesaid.

(7) Where any part of a land drain is situate on the property of any railway company the Council shall not exercise the powers of this section in relation to that part of such land drain except with the consent of the railway company but such consent shall not be unreasonably withheld and any dispute between the Council and the railway company as to whether any such consent has been unreasonably withheld shall be determined by the Minister of Agriculture and Fisheries.

(8) For the purposes of this section the expression "land drain" means any ditch drain culvert dyke or sluice together with the banks and artificial embankments thereof and includes any stream or watercourse which cannot be conveniently dealt with by a scheme under the immediately preceding section of this Part of this Act together with the banks and artificial embankments of such stream or watercourse but does not include any part of the following rivers in the county or of the banks or embankments of such rivers (other than the outlet of any land drain at its junction with any of the

said rivers and any drainage works in connection with such outlet) namely the Rivers Thames Blackwater Wey Hogsmill and Wandle and the Beverley brook. A.D. 1925.

43. The powers conferred by subsection (2) of section 15 of the Land Drainage Act 1918 shall be exercisable within the county by the Council as well as by the Minister of Agriculture and Fisheries and for the purposes of this section any drainage authority within the county shall in relation to their drainage area be deemed to have drainage powers within the meaning of the said section 15. Provided that except in case of emergency the Council shall before exercising any powers under or by virtue of this subsection give to the drainage authority in whose default they propose to exercise such powers not less than thirty days notice in writing of their intention so to do and that if before the expiration of the period of the notice the drainage authority intimate in writing to the Council their objection to the exercise of the proposed powers the Council shall not exercise the same except with the consent of the said Minister who may if he thinks fit cause a public local inquiry to be held with respect to the objection. Council may enforce performance of duties of drainage authorities.

44. Any officer or other person authorised in that behalf by the Council or by any body of persons exercising any powers of the Council under this Part of this Act may for the purpose of carrying this Part of this Act into effect enter on and inspect any land within the county. If any person refuses to admit or prevents or obstructs the entry for the purpose of this Part of this Act on any land of any officer or other person so authorised he shall be liable to a fine not exceeding twenty pounds. Powers of entry on land.

45.—(1) The expenses of the Council in providing for the general administration of this Part of this Act may be defrayed by them as payments for general county purposes as authorised by the Local Government Act 1888 and any contributions which may be received from the Imperial Exchequer towards such expenses shall be placed to the credit of the county fund of the Council. Expenses under Part III.

(2) Subject as aforesaid the expenses of the Council in carrying out the provisions of this Part of this Act or in the execution or maintenance of any drainage works

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or operations under this Part of this Act (so far as such expenses are not otherwise recoverable) may be defrayed from time to time out of the county fund. Provided that if the Council are of the opinion that any particular parish or parishes will be benefited by the protection or improvement of agricultural land due to the execution or maintenance or carrying out of any such drainage works or operations the Council may charge the whole or such part as they may think fit of the expenses incurred in such execution maintenance or carrying out as costs incurred for a special county purpose chargeable upon the parish or parishes so benefited.

Saving for
River Mole
Drainage
District.

46. Notwithstanding anything in this Act the provisions of this Part of this Act shall not apply to any lands forming part of the River Mole Drainage District as constituted by the River Mole Drainage Order 1919 and amended by the Order relating to that district made by the Minister of Agriculture and Fisheries under the Land Drainage Act 1918 on the thirtieth day of May nineteen hundred and twenty-four nor to any land drain or drainage works within that area and under the jurisdiction of the River Mole Drainage Board.

Saving
rights of
Council
under Land
Drainage
Acts.

47. Nothing in this Part of this Act shall take away or prejudicially affect any powers which if this Act had not been passed could have been exercised by the Council under the provisions of the Land Drainage Act 1861 the Land Drainage Act 1914 and the Land Drainage Act 1918 or any of those Acts or shall prevent the granting to the Council and the exercise by them of any powers which if this Act had not been passed could have been conferred upon them under the provisions of the said Acts or any of them.

PART IV.

MATERNITY HOMES.

Definitions
for Part IV.

48. In this Part of this Act—

“ Maternity home ” means any premises in the county used or represented as being or intended to be used (whether regularly or on any occasion) for the reception of women for the purposes of childbirth where any payment

or reward is made or given by or on behalf of any woman received therein in respect of such reception but does not include any house flat or other self-contained premises (not regularly so used) taken and held by or for any woman for the purpose of accommodating her during her confinement; and

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“ The Central Midwives Board ” means the Central Midwives Board constituted under the Midwives Acts 1902 and 1918.

49. This Part of this Act shall come into force on the first day of January nineteen hundred and twenty-six or such later date as the Council may by resolution passed within three months after the passing of this Act prescribe. The date on which this Part of this Act shall so come into force is hereinafter referred to as “ the prescribed date.”

Date of
commence-
ment of
Part IV.

50.—(1) From and after the prescribed date it shall not be lawful for any person to carry on a maternity home unless the name of such person and the premises used or represented as being or intended to be used for the purpose of such home are registered with the Council.

Registra-
tion of
maternity
homes.

(2) Any person requiring registration in respect of any maternity home shall make application in writing to the Council and shall in such application state—

- (a) his full name;
- (b) his age nationality and technical qualifications (if any);
- (c) his private address or if the application is made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;
- (d) the name under which and the address at which such home is carried on or proposed to be carried on; and

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(e) such further information (if any) as the Council may reasonably require with respect to the person or premises to be registered or the number of patients to be accommodated at any one time and the equipment in such premises; and when making such application shall pay to the Council such fee as they may fix not exceeding five shillings.

(3) Every person carrying on any maternity home at the date of the passing of this Act and requiring registration in respect thereof shall make application for such registration within one month after the date or (if more than one) the latest date of publication of the advertisements giving public notice of the effect of this Part of this Act under the sections of this Act of which the marginal notes respectively are "Notice of Part IV." and "Public notices."

(4) Subject to the foregoing provisions of this section the Council may make such regulations as they think fit as to the manner in which and the dates at which applications for registration under this Part of this Act shall be made.

(5) Subject as in this section provided the Council shall as soon as reasonably practicable after the receipt of an application under the provisions of this Part of this Act (and not later if the application is made under subsection (3) of this section than the prescribed date) register the name of the applicant and the premises specified in his application.

(6) The Council by order to be served on the person carrying on or proposing to carry on any maternity home may refuse to register the name of such person or the premises used or represented as being or intended to be used for the purposes of such home or may cancel the registration of such person or premises on the ground that—

- (a) Such person is under the age of twenty-one years; or
- (b) Such person or any person employed by him is unsuitable to carry on or to be employed in such maternity home; or
- (c) The premises or their equipment are unsuitable for the purposes of a maternity home; or

(d) The premises are used or intended to be used for the accommodation at any one time of an excessive number of patients; or

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(e) The premises or any other premises used for any purpose in connection with such first-mentioned premises or with any business or occupation carried on therein are being used for any immoral purpose; or

(f) The patients therein have not received or are not receiving sufficient or proper food or attendance.

(7) Before making any such order the Council shall give to the person proposed to be served therewith not less than seven days' previous notice in writing stating their intention to make the order and the grounds on which the order is proposed to be made and on written application made to them by such person within seven days after the giving of such notice they shall afford to such person an opportunity of being heard against the order.

(8) (a) An order refusing to register a maternity home which was being carried on at the date of the passing of this Act shall take effect on the prescribed date or at the date specified in the order (not being less than fourteen days after the service of the order on the applicant therefor) whichever shall be the later.

(b) An order cancelling the registration of a maternity home shall take effect at the date specified in the order not being less than fourteen days after the service of the order on the person in whose name the maternity home is registered:

Provided that if an appeal is made against any such order in accordance with subsection (9) of this section the order shall not take effect unless and until it has been confirmed on appeal or the appeal has been abandoned.

(9) Any person aggrieved by any order refusing or cancelling registration may appeal to a court of summary jurisdiction. Provided that the appeal is made within fourteen days after the order has been served upon him and that notice in writing of the appeal is sent to the Council within twenty-four hours after the entry of the appeal.

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The court after considering any representations made on behalf of the Council may if they think fit confirm the order or direct the Council to withdraw the order and as soon as reasonably practicable the Council shall give effect to such direction.

The costs of any appeal under this subsection shall be paid in such manner and by such parties to the appeal as the court may direct.

(10) An order made under subsection (6) of this section or confirmed on appeal under subsection (9) of this section shall be served on the applicant for the order or if it is an order cancelling the registration of a maternity home on the person in whose name the maternity home is registered and if the order relates to a maternity home which was being carried on at the date of the order notice of the order shall also be published in a newspaper circulating in the district in which the maternity home is situate.

Amendment
of register.

51. Any changes in the particulars supplied for entry in the register with respect to any maternity home shall at once be notified by the person carrying on such home to the Council who shall make the necessary alterations in the register.

Byelaws as
to maternity
homes.

52.—(1) The Council may make byelaws prescribing the records to be kept with respect to the patients received the children born and the business carried on at a maternity home and also with respect to the cause of death of any patient or child dying in such home and the holding of any inquest on any such patient or child and requiring the notification to the Council of any death occurring thereat.

(2) Sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws made by the Council under this section as if the Council were a local authority within the meaning of the first mentioned sections.

(3) Every person carrying on a maternity home shall keep exhibited in a suitable place (to be approved by the Council) in such home a copy of the byelaws in force under this section.

Powers as to
entry and
inspection.

53.—(1) The medical officer of health or other person (being either a registered medical practitioner or

a person possessing the certificate of the Central Midwives Board) authorised by the Council in that behalf may enter any premises which are used or which the Council has reasonable cause to believe are used for the purpose of a maternity home and inspect the premises and the entries in any records required to be kept in connection therewith.

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(2) If in any urban district in the county the Maternity and Child Welfare Act 1918 is administered by the local authority of the district the medical officer of health of the district or other person (being either a registered medical practitioner or a person possessing the certificate of the Central Midwives Board) authorised by the local authority in that behalf may in lieu of the Council exercise the powers conferred by this section in respect of any premises to which this section applies and which are situate in such district. The medical officer or other person so authorised shall report to the local authority as to the conduct management and condition of the premises inspected and the entries in the records kept in connection therewith and the local authority shall submit their report thereon to the Council with any recommendation as to cancelling the registration of any person or premises as the local authority shall deem expedient.

The Council shall from time to time furnish to the local authority of every such district particulars of every maternity home in the district registered under this Part of this Act and with copies of the byelaws relating thereto.

54. Subject to the provisions of this Part of this Act—

Penalties for offences in respect of maternity homes.

(1) Every person who carries on a maternity home in contravention of the provisions of this Part of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may (in lieu of or in addition to inflicting a penalty) impose any period of imprisonment not exceeding three months :

(2) Every person who—

(a) refuses to permit any medical officer or other authorised person to enter or inspect

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—

any premises or to inspect any records which such medical officer or person is empowered by the immediately preceding section of this Act to enter or inspect or obstructs any such officer or person in the execution of his duty under such provisions or under any byelaws to be made under those provisions; or

(b) contravenes the provisions of any such byelaw;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds :

- (3) Every person who issues publishes or displays or causes to be issued published or displayed any advertisement relating to a maternity home which is not for the time being registered under the provisions of this Part of this Act shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds Provided that if the advertisement relates either (i) to a maternity home which was being carried on at the date of the passing of this Act and with respect to which an appeal is pending against an order of the Council refusing the registration thereof or (ii) to a maternity home which has been registered under the provisions of this Part of this Act and with respect to which an appeal is pending against an order of the Council cancelling the registration thereof a person shall not be liable to any penalty under this section for issuing publishing or displaying or causing to be issued published or displayed the advertisement prior to the date when the order of the Council shall take effect in accordance with the provisions of this Part of this Act :
- (4) The court may (in lieu of or in addition to imposing a penalty under this section) order the cancellation of the registration :
- (5) A person who has appealed to a court of summary jurisdiction in accordance with the provisions of this Part of this Act against an order made by the Council thereunder refusing

or cancelling registration shall not until such order has been confirmed on appeal or the appeal has been abandoned be liable to any proceedings under this section for the offence of carrying on a maternity home in contravention of the provisions of this Part of this Act.

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55. Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Acts 1908 to 1917 or any Act amending the same commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director or manager shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

Directors of companies to be liable for penalties under Part IV.

- (1) That the act which constituted the offence took place without his knowledge consent or connivance; and
- (2) That he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

56. Subject as hereinafter provided the provisions of this Part of this Act shall not apply to a maternity home carried on by a duly registered medical practitioner in his own name at the address at which he resides or carries on his practice if with respect to such home there has been lodged with the Council a certificate in a form to be approved by them and signed by two duly registered medical practitioners practising or residing in the county not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such home to the effect that the premises used or represented as being or intended to be used for such home and the equipment provided at such premises are in all respects suitable for the purpose and that the medical practitioner carrying on or proposing to carry on such home is a suitable person to carry on the same Provided that any such certificate shall not be valid (a) with respect to any person or premises other than the person or premises

Saving for homes of medical practitioners.

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specified therein or (b) for a period extending beyond the thirty-first day of January next following the date of the certificate.

Saving for
certain
premises.

57. Notwithstanding anything in this Part of this Act the provisions thereof shall not apply to—

- (a) any hospital infirmary institution or other establishment maintained or controlled by any Government department or local authority or any other authority or body constituted by Parliament or incorporated by Royal Charter; or
- (b) any hospital recognised as a voluntary hospital by the voluntary hospital committee of the area in which the hospital is situate or recognised by any committee or body administering either of the publicly subscribed funds known respectively as the Hospital Sunday fund and the Hospital Saturday fund as a hospital to which grants from either of such funds may be made; or
- (c) any institution or home for the training of persons desirous of becoming midwives which is for the time being approved by the Central Midwives Board.

Saving of
future au-
tonomous
registration
authorities.

58. If any local authority in the county shall by any enactment passed after the passing of this Act be empowered (either directly or by adoption) to exercise powers and duties in relation to maternity homes in the district of such authority similar to the powers and duties of the Council under this Part of this Act the provisions of this Part of this Act shall cease to be in force or have effect in that district after such authority shall have commenced to exercise under such enactment the first-mentioned powers and duties.

Notice of
Part IV.

59. The Council shall prior to the prescribed date cause public notice to be given of the effect of this Part of this Act and of the date when it will come into force.

PART V.

EMPLOYMENT AGENCIES.

Definition of
employment
agency.

60. In this Part of this Act the expression "employment agency" means any agency or registry in the

county carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity Provided that the following shall not be deemed to be employment agencies within the meaning of this Act :—

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- (a) Any employment agency conducted by or under the direction and supervision of the Ministry of Labour under the Labour Exchanges Act 1909 or any other Act of Parliament; or
- (b) Any employment agency which is carried on exclusively for the purpose of obtaining employment for (i) persons formerly members of His Majesty's Naval Military or Air Forces or (ii) persons released from a prison or Borstal Institution or from a reformatory or industrial school and which is certified at the date when this Part of this Act shall come into force and from time to time thereafter by the Admiralty or the Army Council or the Air Council or the Secretary of State for the Home Department (as the case may be) to be properly conducted; or
- (c) Any employment agency conducted by a central body or distress committee under the Unemployed Workmen Act 1905.

61. This Part of this Act shall come into force on the first day of January nineteen hundred and twenty-six or such later date as the Council may by resolution passed within three months after the passing of this Act prescribe The date on which this Part of this Act shall so come into force is hereinafter referred to as "the prescribed date."

Date of
commence-
ment of
Part V.

62. From and after the prescribed date no person shall carry on an employment agency without a licence from the Council authorising him so to do.

Employ-
ment
agencies to
be licensed.

63.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Council and shall in the application state :—

Applica-
tions for
licences.

- (a) His full name;
- (b) His age and nationality;

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- (c) His private address or if the application is made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;
- (d) The name under which and the address at which the employment agency is carried on or proposed to be carried on;
- (e) The nature of the employment agency;
- (f) Whether and if so to what extent he is interested in any other employment agency; and
- (g) Such further information (if any) as the Council may reasonably require with respect to the person or premises to be licensed.

(2) Every application for a licence to carry on an employment agency in existence at the passing of this Act shall be made within one month after the date or (if more than one) the latest date of publication of the advertisements giving public notice of the effect of this Part of this Act under the sections of this Act of which the marginal notes respectively are "Notice of Part V." and "Public notices."

(3) Subject to the foregoing provisions of this section the Council may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

Council to
grant
licences.

64.—(1) The Council shall as soon as reasonably practicable after the receipt of an application under this Part of this Act (and not later in the case of an application under subsection (2) of the last preceding section of this Act than the prescribed date) grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application. Provided that the Council may refuse to grant or renew a licence or may revoke a licence granted:—

- (i) To any person under the age of twenty-one years;
- or

- (ii) To any person who may be an unsuitable person to hold such licence; or
- (iii) In respect of any premises which are unsuitable for the purposes of an employment agency; or
- (iv) In respect of any employment agency which has been or is being improperly conducted.

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(2) The Council shall not refuse to renew or shall not revoke any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice in writing that objections have been or will be taken to such renewal or that a revocation is proposed and unless on written application made within three days after the receipt of such notice they shall have afforded to the applicant an opportunity of being heard against such refusal or revocation.

(3) Any person making application under the last preceding section of this Act shall when making the same pay to the Council in respect of the grant or renewal of a licence as aforesaid such fee as the Council may fix not exceeding—

	£	s.	d.
(a) In respect of the grant of a licence -	2	2	0
(b) In respect of the renewal of a licence	1	1	0

(4) Every such licence shall (unless revoked) be valid for a period of one year except that a licence granted or renewed otherwise than at any annual meeting fixed by the Council for the purpose of considering applications under this Part of this Act shall only be valid until the first day of December next after the date of such grant or renewal.

(5) If the Council refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(6) Any person aggrieved by such refusal or revocation may appeal to a court of summary jurisdiction Provided that the appeal is made within fourteen days from the date of such refusal or revocation and that

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notice in writing of the appeal is sent to the Council within twenty-four hours after the entry of the appeal.

(7) Any person deeming himself aggrieved by any decision of a court of summary jurisdiction under this section may appeal therefrom to the next practicable court of quarter sessions holden in or for the county.

(8) On any such appeal the court may after considering any representations made by the Council either confirm the refusal or revocation or allow the appeal and may direct the Council to grant or renew a licence and the Council shall comply with any such direction.

(9) The costs of any appeal under this section shall be paid in such manner and by such parties to the appeal as the court may direct.

Council to give notice to local authorities as to licences.

65. As soon as reasonably practicable after the grant renewal or revocation by the Council of a licence under this Part of this Act or the refusal by the Council to grant or renew such a licence the Council shall give notice of their decision to the local authority of the district in which are situate the premises to which the licence or the application for a licence related. If there is any appeal under the immediately preceding section of this Act against a decision of the Council or of a court of summary jurisdiction the Council shall as soon as practicable give to the local authority of the district in which are situate the premises to which the appeal relates notice of the appeal and after the hearing of the appeal notice of the decision thereon.

Byelaws as to employment agencies.

66.—(1) The Council may make byelaws requiring any person holding a licence under this Part of this Act to keep (at his option) either books cards or forms showing the business conducted by him so far as it relates to his employment agency and prescribing entries to be made in connection with such business in such books or on such cards or forms (as the case may be) and for the prevention of fraud and immorality in the conduct of employment agencies and for regulating any premises used for the purposes of or in connection with such agencies.

(2) The provisions of the Local Government Act 1888 respecting the making confirmation publication and evidence of byelaws and proceedings before justices and

recovery of penalties thereunder shall extend and apply to byelaws under this section and byelaws under this section shall be deemed byelaws within the said Act Provided that notwithstanding anything in subsection (2) of section 16 of the said Act byelaws made under this section may be in force and have effect within any borough in the county.

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(3) A copy of all byelaws made under this section shall as soon as reasonably practicable after the byelaws have been confirmed or allowed be sent by the Council to every local authority in the county.

(4) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Council) in the premises to which the licence relates a copy of the byelaws made by the Council under this section.

67. Any officer of or other person duly authorised by the Council in that behalf may and any officer of or other person duly authorised by any local authority in that behalf may as regards premises in the district of the local authority (i) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which such person has reasonable cause to believe are used for the purposes of or in connection with an employment agency and (ii) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

Powers of
entry and
inspection
by Council
and local
authorities.

68.—(1) Every person who after the prescribed date— Penalties.

(i) carries on within the county an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or

(ii) refuses to permit any officer or person duly authorised by the Council or by a local authority to enter or inspect any such premises as are

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referred to in the section of this Act of which the marginal note is " Powers of entry and inspection by Council and local authorities " or the books cards or forms kept in connection with the employment agency carried on therein or obstructs any such officer or person in the execution of this Part of this Act; or

- (iii) acts in contravention of any byelaw made under this Part of this Act or of any of the provisions of this Part of this Act for the contravention of which no penalty is by this section specifically provided;

shall (subject to the provisions of subsection (3) of this section) be liable in respect of an offence under paragraph (i) of this section to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of an offence under paragraph (ii) or paragraph (iii) of this section to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and in respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

(2) Any person aggrieved by any order under this section may appeal therefrom to the next practicable court of quarter sessions holden in or for the county.

(3) No person who shall have appealed to a court of summary jurisdiction or a court of quarter sessions in accordance with the provisions of this Part of this Act against a refusal by the Council to grant a licence to any person making application under subsection (2) of the section of this Act of which the marginal note is " Applications for licences " or to renew a licence or against any revocation under this section of a licence shall be liable to any proceedings under this section for the offence of carrying on an employment agency without a licence under this Part of this Act until such appeal shall have been heard and determined or shall have been abandoned.

Directors of
companies
to be liable
for penalties
under
Part V.

69. Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Acts 1908 to 1917 or any Act amending those Acts commits any offence for which a penalty is provided by this Part

of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director and manager shall be liable on conviction to the like penalty as if he or they were the person or persons committing the offence unless he proves to the satisfaction of the court—

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- (1) That the act which constituted the offence took place without his knowledge consent or connivance; and
- (2) That he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

70. Proceedings for the recovery of any penalties imposed by this Part of this Act may be taken by the local authority for the district in which the offence was committed as well as by the Council Provided that proceedings shall not be taken by both the Council and the local authority for the same offence.

Local authorities may institute proceedings for penalties.

71. As from the prescribed date section 85 (Registries for servants) of the Public Health Acts Amendment Act 1907 shall cease to be in force in any part of the county where that section was in force immediately before the prescribed date.

As to section 85 of Public Health Act 1907.

72. The local authority of every district in which are situated any premises where there is carried on an employment agency licensed by the Council under this Part of this Act shall during the first week of October in each year send to the Council a report on the conduct and management of the employment agency since the date of the grant or last renewal of the licence and such report may contain recommendations as to the renewal of the licence or otherwise and if it contains a recommendation that the renewal of the licence be refused shall state the grounds for such recommendation.

Local authorities to report to Council.

If a local authority during the period in which a licence shall be in force relating to premises situate in the district of the local authority shall detect a non-compliance with any of the conditions enumerated in subsection (1) of the section of this Part of this Act whereof the marginal note is " Council to grant licences " or shall secure a conviction against the holder

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of the licence for any of the offences enumerated in the section of this Part of this Act whereof the marginal note is " Penalties " the local authority shall thereupon report the non-compliance or offence to the Council with such recommendation as to revocation of the licence or otherwise as the local authority may deem expedient.

Notice of
Part V.

73. The Council shall prior to the prescribed date cause public notice to be given of the effect of this Part of this Act and of the date when it will come into force.

Saving of
future au-
tonomous
licensing
authorities.

74. If any local authority in the county shall by any enactment passed after the passing of this Act be empowered (either directly or by adoption) to exercise powers and duties in relation to employment agencies in the district of such authority similar to the powers and duties of the Council under this Part of this Act the provisions of this Part of this Act shall cease to be in force or have effect in that district after such authority shall have commenced to exercise under such enactment the first mentioned powers and duties.

PART VI.

MUSIC AND DANCING LICENCES.

Area to
which
Part VI.
applies.

75. This Part of this Act shall only apply to and be in force within the portion of the county where the Disorderly Houses Act 1751 was in force immediately before the passing of this Act viz. So much of the county as is within twenty miles of any part of the city of Westminster or city of London.

Date of
commence-
ment of
Part VI.

76. This Part of this Act shall come into force on the first day of January nineteen hundred and twenty-six or such later date as the Council may by resolution passed within three months after the passing of this Act prescribe The date on which this Part of this Act shall so come into force is hereinafter referred to as " the prescribed date."

Music and
dancing
licences.

77. For the regulation of places used for public dancing singing or music or other public entertainment of the like kind the following provisions shall from and after the prescribed date have effect namely:—

- (1) A house room garden or other place. (whether licensed or not for the sale of wines

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spirits beer or other fermented or distilled liquors) shall not be kept or used for public dancing singing music or other public entertainment of the like kind without a licence for the purpose or purposes for which the same is respectively to be used first obtained from the Council For the registration of the licence a fee of not exceeding twenty shillings shall be paid by the person applying therefor Provided that the fee payable by any applicant in respect of any licence granted for the purpose of a charitable or other like entertainment shall not exceed five shillings :

- (2) The Council may at any meeting duly convened or at any adjournment thereof grant licences to such persons as they think fit to keep or use houses rooms gardens or other places for all or any of the purposes aforesaid upon such terms and conditions and subject to such restrictions as they by the respective licences determine and every licence shall be in force for a period named in the licence not exceeding thirteen months unless the same shall have been previously revoked as hereinafter provided :
- (3) The Council may from time to time at any such meeting aforesaid transfer any such licence to such person as they think fit For the registration of such transfer a fee of five shillings shall be paid by the person applying therefor :
- (4) Save as hereinafter provided in subsection (10) hereof no licence or transfer shall be granted unless the applicant shall have given twenty-one days' previous notice to the clerk and to the superintendent of police for the police division in which the house room garden or other place is situated of his intention to apply for any such licence or for the renewal or transfer of any such licence and shall have posted a copy of such notice on or over the outer door or in some part of the exterior of the premises proposed to be licensed conspicuous to the public and when the Council is considering the granting of such licence renewal or transfer the police

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and any member of the public living in the district whom the Council deem to be concerned shall be entitled to be heard :

- (5) Any house room garden or other place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept for any of the purposes aforesaid And it shall be lawful for any constable being thereunto authorised by warrant under the hand of one of His Majesty's justices of the peace for the county to enter any such house room garden or other place so kept or used without such licence as aforesaid and to apprehend every person who shall be found therein in order that they may be dealt with according to law :
- (6) There shall be affixed and kept up in some conspicuous place or immediately over the door or entrance of every house room garden or other place so kept or used and so licensed as aforesaid an inscription in capital letters so as to be easily legible in the words following " Licensed in pursuance of the Surrey County Council Act 1925 " with the addition of words showing the purpose or purposes for which the same is licensed but this provision shall not apply to any house room garden or other place licensed for any purpose within the meaning of this Part of this Act for any period not exceeding fourteen days :
- (7) Any house room garden or other place so kept or used although so licensed as aforesaid shall not be opened for any of the said purposes except on the days and between the hours stated in the licence Provided that no such house room garden or other place so kept or used shall be open for any of the purposes aforesaid after midnight and before the hour of noon except with the written permission of the Council first obtained save that if on any special occasion a

A.D. 1925.

special order of exemption shall have been granted under section 57 of the Licensing (Consolidation) Act 1910 in respect of any house room garden or other place licensed under this Act no penalty shall be incurred on account of such house room garden or other place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such special order of exemption as the hour for closing :

- (8) The affixing and keeping up of such inscription as aforesaid and the observance of the days and hours of opening and closing shall be inserted in and made a condition of every such licence :
- (9) In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted the holder thereof shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to a daily penalty not exceeding five pounds and such licence shall be liable to be revoked by order of the Council :
- (10) The Council may if and as they think fit on receipt of seven days' notice grant to any person applying for the same a licence to keep or use any house room garden or other place for any purpose within the meaning of this section for any period not exceeding fourteen days which they shall specify in such licence notwithstanding that the notices required by subsection (4) of this section or any of them shall not have been given :
- (11) Sections 2 and 3 of the Disorderly Houses Act 1751 and the whole of the Public Entertainments Act 1875 shall cease to apply within any part of the county where those enactments now apply :
- (12) Subject to the provisions of the last preceding subsection nothing in this section shall be deemed to interfere with any other enactment respecting the prosecution of persons keeping disorderly houses :

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- (13) Subject as aforesaid the powers conferred upon the Council by this section shall be in addition to and not in derogation of any of the powers of licensing now vested in the Council:
- (14) A copy of any regulations prescribing terms and conditions upon which or restrictions subject to which any licence is granted under this Part of this Act purporting to be authenticated by the common seal of the Council granting the licence shall be conclusive evidence of the existence and of the due making of such regulations in all proceedings under the same without adducing proof of such seal or of the fact of such making.

Notice of
Part VI.

78. The Council shall prior to the prescribed date cause public notice to be given of the effect of this Part of this Act and of the date when it will come into force.

PART. VII.

ICE-CREAM VENDORS.

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

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

- (a) causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by

him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer of the district in which such business is carried on;

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

(2) In the event of any person so employed or resident suffering from any infectious disease the medical officer of the local authority or the sanitary inspector or any other officer duly authorised in that behalf by the local authority of the district where the building is situate may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the local authority shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) (a) The medical officer of the local authority and the sanitary inspector of and any other officer duly authorised in that behalf by the local authority shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the local authority would have under section 102 (Power of entry of local authority)

A.D. 1925.

of the Public Health Act 1875 in the cases therein mentioned and (b) any person refusing entry into or inspection of such premises as aforesaid or refusing inspection of the materials or commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Procedure.

80. Proceedings for the recovery of the penalties imposed by this Part of this Act shall be instituted by the local authority for the district in which the offence was committed or of the district to the medical officer of which such notification as aforesaid ought to have been made or in which such vendor or dealer as aforesaid shall offer any such commodity as aforesaid for sale as the case may be.

Notice of
Part VII.

81. The provisions of this Part of this Act shall not come into force until the expiration of a period of three months from the date of the passing of this Act and prior to the expiration of that period the Council shall cause public notice to be given of the effect of this Part of this Act and of the date when it will come into force.

Part VII, not
to apply in
Wimbledon
and Mitcham.

82. The provisions of this Part of this Act shall not be in force or have effect within the borough of Wimbledon and the urban district of Mitcham.

PART VIII.

ROADS.

Roads to
which
Part VIII.
applies.

83. In this Part of this Act (unless the context otherwise requires) the word "road" means any road which is for the time being vested in the Council.

Exchanges
for road
improve-
ments.

84.—(1) The Council may enter into and carry into effect agreements with the owner of and all other persons having any interest in any land abutting on any road for the acquisition of such land for the purpose of widening opening enlarging or otherwise improving such road either (a) in exchange for any part of the road which shall adjoin any land belonging to such owner and which shall in the opinion of the Council not be required for public use or for approach to any property adjoining the same or (b) for such other consideration (if any) as may

be agreed between the Council and such owner and other persons (if any). A.D. 1925.

(2) As from the date of any such exchange as aforesaid all public rights over any portion of any such road so given in exchange shall be extinguished.

(3) If in an urban district where the urban authority have claimed under subsection (2) of section 11 of the Local Government Act 1888 to retain the powers and duties of maintaining and repairing the main roads in the district there is any main road in respect of which the right of claiming as aforesaid could not have been or cannot be exercised by the urban authority the powers of this section shall not be exercised with respect to any part of that road without the consent of the urban authority but such consent shall not be unreasonably withheld. Any dispute between the Council and the urban authority as to whether any such consent has been unreasonably withheld shall be determined by the Minister of Transport.

85.—(1) With respect to any road (within the meaning of this Part of this Act) the Council may with the consent of the Minister of Transport given after consultation with the Minister of Health prescribe a building line (in this section called “the building line”) along the whole or any part of the road:

Power to prescribe building line on certain roads.

Provided that—

- (a) Any building line which the Council so propose to prescribe shall be distinctly marked and shown on plans to be signed by the surveyor and deposited with the clerk and with the clerk to the local authority and such plans shall be at all reasonable times thereafter open for the inspection of the public without charge; and
- (b) One month at least before the Council finally prescribe the building line they shall give notice in writing of the deposit of the said plans to every owner interested whose name and address they can ascertain.

(2) After a building line has been prescribed as aforesaid in any such road or part of a road it shall not be lawful to bring forward any building construction or

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erection or any part thereof or any addition thereto other than boundary walls or fences or to make any permanent excavation in front of the building line.

(3) The Council may at any time after the building line has been prescribed on giving three months' notice in writing to the owner of any building or erection which or any part of which was beyond or in front of the building line at the date when the same was so prescribed require that such building or erection shall be pulled down set back or altered so that the same shall not project beyond or in front of the building line.

(4) If and when any building or erection is pulled down set back or altered in accordance with any requirement of the Council under subsection (3) of this section or if and when any building or erection is erected to the building line in any road (other than a street or part thereof in which at the time the building line is prescribed there is a regular building line already defined by the character and position of the buildings erected therein) the Council shall make compensation to the owner lessee and tenant of such building or erection for any loss or damage sustained by such owner lessee or tenant by or in consequence of such building or erection being pulled down set back or altered or in consequence of any building or erection not being allowed to be erected in front of the building line as the case may be.

The amount of any such compensation shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that in estimating the amount of any compensation so payable the benefits accruing to the person to whom the same shall be paid by reason of any widening or improvement of the road made or about to be made by the Council shall be set off against the said compensation.

(5) Any person who shall contravene any of the provisions of this section shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(6) Copies of the plans to be deposited with the clerk as hereinbefore mentioned certified by the clerk to be true shall respectively be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of any such plan so far as it relates to any line prescribed and

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defined as aforesaid and a copy (certified as aforesaid to be true) of so much of such plans as relates to the district of any local authority shall on the request of the local authority or of the owner lessee or occupier of any property in the district and on payment of a reasonable fee to be determined by the Council be delivered to the local authority or person so applying and all fees so received shall be carried to the credit of the county fund.

(7) The provisions of this section shall not extend or apply to any building construction erection or lands belonging to a railway company and held by them for the purposes of any railway authorised by Act of Parliament or by an Order having the force of an Act.

(8) (a) If a building line or widening line with respect to a road or part of a road (within the meaning of this Part of this Act) shall have been prescribed by a town planning scheme made before the passing of this Act by a local authority under the Town Planning Act 1925 or the enactments repealed by that Act and the Council shall disapprove of such building line or widening line on the ground that it is insufficient to meet the present or future requirements of traffic on that road any building line which may be prescribed by the Council with respect to that road or part of a road under the powers of this section shall prevail over the building line or widening line so prescribed by the local authority and the town planning scheme shall to that extent and in that respect become void and of no effect.

If the local authority in connection with any building line or widening line so rendered void in any scheme shall have acquired any land or paid compensation to any owner or occupier in respect thereof the Council shall refund to the local authority the expenditure so incurred and the local authority shall convey to the Council the land so acquired.

(b) If a town planning scheme shall not have been prepared under the Town Planning Act 1925 for any district or part of a district before the Council shall have prescribed a building line under the powers of this section in respect of a road or part of a road (within the meaning of this Part of this Act) in such district or part of a district any local authority thereafter preparing a town planning scheme for the district or part shall

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embody therein the building line so prescribed by the Council and the Council shall indemnify the local authority against all charges for compensation costs or other expenses which the local authority may incur by reason or in respect of such building line.

(c) If a building line or widening line in respect of a road or part of a road (within the meaning of this Part of this Act) is proposed to be prescribed in any town planning scheme being prepared by a local authority for submission to the Minister of Health under the Town Planning Act 1925 and is included in any preliminary statement or draft scheme or other statement or document hereafter substituted therefor and the Council shall disapprove of such building line or widening line on the ground that it is insufficient to meet the present or future requirements of traffic on such road or if no building line or widening line is proposed to be prescribed in the scheme and no provision for a building or widening line is included in the preliminary statement or draft scheme or other statement or document in respect of a road or part of a road (within the meaning of this Part of this Act) and the Council shall desire that a building line shall be so prescribed in respect of such road or part of a road then in either event the Council shall give notice thereof in writing to the local authority and shall submit to the local authority a plan signed by the surveyor on which shall be distinctly marked and shown the building line desired by the Council to be prescribed. On the receipt of such notice and plan the local authority shall include the building line so shown on the plan signed by the surveyor in the scheme or in any preliminary statement or draft scheme or other statement or document being prepared by them for submission to the Minister and the Council shall indemnify the local authority against all charges for compensation costs and other expenses which they may incur by reason or in respect of any building line so included in any scheme or in any preliminary statement or draft scheme or other statement or document.

(9) The provisions of this section shall not be in force or have effect within the urban district of Mitcham.

Council
may con-
tribute to

86. It shall be lawful for the Council to contribute from time to time such sums as they may think fit towards

any expenses incurred by any local authority in connection with the prescribing of a building line for or the widening of any road or part of a road (within the meaning of this Part of this Act) under or for the purposes of any scheme made by the local authority under the Town Planning Act 1925 or the enactments repealed by that Act and approved by the Council so far as regards such road or part of a road.

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—
certain
expenses
under town
planning
schemes.

87. For the protection of the Metropolitan Water Board the East Surrey Water Company and the Sutton District Water Company (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed between the undertakers and the Council have effect (that is to say):—

For pro-
tection of
certain
water under-
takers.

- (1) Whenever under the powers of the section of this Act of which the marginal note is "Exchanges for road improvements" any part of any road which is within the limits of supply for the time being of the undertakers and in which are situate any mains pipes culverts valves hydrants syphons plugs and other works and appliances (all of which are in this section referred to as "apparatus") of the undertakers is exchanged for any land and by reason of such exchange the undertakers are deprived of rights of access to the apparatus of the undertakers in such part of the road the Council shall forthwith give to the undertakers notice in writing of such exchange with a plan showing the position and dimensions of the portion of the road so exchanged:
- (2) The undertakers may lay or place in the road (as existing after the making of such exchange) in such position and within such time as may be agreed with the Council or (failing agreement) be determined by an arbitrator and in substitution for the existing apparatus which is in or under the part of the road so exchanged as aforesaid and to which the undertakers are so deprived of rights of access new apparatus necessary and proper for continuing the supply of water as sufficiently as water was supplied by the said existing apparatus:

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- (3) The undertakers may also and if required by the Council shall with all reasonable expedition take up and remove such existing apparatus as aforesaid. Provided that the undertakers shall not be required to take up or remove any existing apparatus until any new apparatus to be laid or placed in substitution under subsection (2) of this section has been so laid or placed and is ready for use.

For the purpose of taking up and removing any such existing apparatus the undertakers may enter upon the land comprising the part of the road so exchanged and shall not be required to pay any compensation or make any other payment to the owner or occupier of such land for or in respect of such entry or the execution of any works for the taking up and removal of the existing apparatus from the said land. Provided that the undertakers cause no unnecessary injury to such land and properly fill in any excavation and make good any other disturbance made or caused by them in connection with such taking up and removal:

- (4) The Council shall on demand pay to the undertakers the amount of the expenses reasonably incurred by the undertakers in providing and laying or placing any such new apparatus as aforesaid and connecting the same with any existing apparatus not removed by the undertakers and making any necessary alterations of such last-mentioned apparatus and in taking up and removing any existing apparatus to which the undertakers are so deprived of rights of access as aforesaid and in filling in any excavation and making good any other disturbance made or caused by them as aforesaid after deducting from such expenses a sum equivalent to the value (if any) of such existing apparatus if and as removed by them which value if not agreed between the undertakers and the Council shall be determined by an arbitrator:
- (5) Any difference between the Council and the undertakers under this section (other than a difference as to its construction or meaning) and

any matter required by this section to be determined by an arbitrator shall be referred to an arbitrator to be agreed upon between the Council and the undertakers or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

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88. For the protection of the Brentford Gas Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say):—

For protec-
tion of
Brentford
Gas
Company.

(1) Whenever under the powers of the section of this Act of which the marginal note is "Exchanges for road improvements" any part of any road within the limits of supply for the time being of the company is exchanged for any land the Council shall forthwith give to the company notice in writing of such exchange with a plan showing the position and dimensions of the portion of the road so exchanged:

(2) If at the date on which the company receive any such notice from the Council as aforesaid there are situate in or under the part of a road so exchanged any mains pipes works or apparatus (all of which are in this section referred to as "apparatus") of the company the company may lay or place in the road (as existing after the making of such exchange) in such position and within such time as may be agreed with the Council or (failing agreement) be determined by an arbitrator and in substitution for the existing apparatus in or under the part of the road so exchanged as aforesaid new apparatus necessary and proper for continuing the supply of gas as sufficiently as gas was supplied by the said existing apparatus:

(3) The company may also and if so required by the Council shall with all reasonable expedition take up and remove the existing apparatus in

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or under the part of the road so exchanged as aforesaid Provided that they shall not be required to take up or remove any existing apparatus until any new apparatus to be laid or placed in substitution therefor under subsection (2) of this section has been so laid or placed and is ready for use For the purpose of taking up and removing any such existing apparatus the company may enter upon the land comprising the part of the road so exchanged and shall not be required to pay any compensation or make any other payment to the owner or occupier of such land or any other party for or in respect of such entry or the execution of any works for the taking up and removal of the existing apparatus from the said land Provided that they cause no unnecessary injury to such land and properly fill in any excavation and make good any other disturbance made or caused by them in connection with such taking up and removal :

- (4) The Council shall on demand repay to the company the amount of the expenses reasonably incurred by the company in providing and laying or placing any such new apparatus as aforesaid and connecting the same with any existing apparatus not removed by the company and making any necessary alterations of such last-mentioned apparatus and in taking up and removing any existing apparatus in the part of the road so exchanged by the Council and in filling in any excavation and making good any other disturbance made or caused by them as aforesaid after deducting from such expenses a sum equivalent to the value (if any) of such existing apparatus if and as removed by them which value shall in case of difference between the company and the Council be determined by an arbitrator :
- (5) Any difference between the Council and the company under this section and any matter required by this section to be determined by an arbitrator shall be referred to an arbitrator to be agreed upon between the company and the

Council or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

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PART IX.

INSURANCE.

89.—(1) The Council may if they think fit establish a fund (to be called “ the fire insurance fund ”) with a view to providing a sum of money which in the event of a fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good loss or damage by or in consequence of fire to any buildings works and property belonging or on loan to or under the care custody or control of the Council or of any statutory committee appointed by the Council or on which the Council may be represented.

Fire insur-
ance fund.

(2) The establishment of a fire insurance fund under this section shall not prevent the Council from insuring any of such buildings works and property as aforesaid against loss or damage by fire in any public insurance office in England.

(3) In each year after the establishment of the fire insurance fund the Council shall pay into that fund either—

(a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Council fully insured such buildings works and property as aforesaid against loss or damage by fire in some public insurance office in England; or

(b) if the Council partly insure such buildings works and property against loss or damage by fire in a public insurance office as aforesaid such sum as will together with the premiums paid for the last mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the fire insurance fund shall amount to the sum of five hundred thousand pounds the Council

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may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below five hundred thousand pounds the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of five hundred thousand pounds.

(5) The Council shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands buildings works property and undertakings or from the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents or revenues specially chargeable then by contributions from the county rate.

(6) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses by or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall be invested in securities in which trustees may be authorised to invest and the interest and annual proceeds arising from those securities shall be so invested and accumulated until the fund amounts to five hundred thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the funds and rates out of which any such yearly payments are or would be payable and in such proportions as the Council may deem just.

(7) If at any time and from time to time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Council or any such committee as aforesaid by or in consequence of fire the Council may with the sanction of the Minister of Health and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency.

Employers'
liability
insurance
fund.

90.—(1) The Council may if they think fit establish a fund (to be called "the employers' liability insurance fund") which in the event of any liability arising on the part of the Council towards any one of

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their officers servants or workmen or to third parties under the common law or the Employers Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending those Acts or any of them or extending the class of such liability or otherwise in respect of accidents to officers servants or workmen of the Council or to third parties shall be available for the purpose of discharging any claim duly made by any such officer servant or workman or third parties under the said Acts or any of them or at common law.

(2) The establishment of an employers' liability insurance fund under this section shall not prevent the Council from insuring against any such liability as is mentioned in subsection (1) hereof in any public insurance office in England.

(3) In each year after the establishment of the employers' liability insurance fund the Council shall pay into that fund either:—

(a) Such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Council fully insured against every such liability as aforesaid in some public insurance office in England; or

(b) If the Council partly insure against the said liabilities in a public insurance office as aforesaid such sum as will together with the premiums paid for the last-mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the employers' liability insurance fund shall amount to the sum of fifty thousand pounds the Council may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below the sum of fifty thousand pounds the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of fifty thousand pounds.

(5) The Council shall provide the yearly payments aforesaid by contributions from the funds and rates out of which the salaries or wages of the officers servants or workmen are respectively paid in such proportions as the Council may deem just.

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(6) Except so far as the employers' liability insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet the aforesaid liabilities all moneys from time to time standing to the credit of the employers' liability insurance fund shall be invested in securities in which trustees may be authorised to invest and the interest and annual proceeds arising from those securities shall be invested in the like securities and accumulated until the fund amounts to the sum of fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the funds and rates out of which any such yearly payments are or would be payable and in such proportions as the Council may deem just.

(7) For the purposes of this section the Council may if they deem it expedient and by arrangement with the managers of any public elementary school or the governing body of any college secondary school institute or hostel not provided by the Council as the local education authority include in the employers' liability insurance fund any teacher employed in any such school college institute or hostel.

PART X.

FINANCIAL.

Borrowing
powers.

91.—(1) The Council may for paying the costs charges and expenses referred to in the final section of this Act borrow on the security of the county fund such sums as may be necessary for that purpose and shall pay off all moneys so borrowed within a period of five years from the passing of this Act.

(2) The Council may for any of the other purposes of this Act borrow on such security as the Minister of Health may prescribe such sums as may be sanctioned by the Minister and shall pay off all moneys so borrowed within such period not exceeding thirty years from the date of borrowing as the Minister may sanction.

(3) In calculating the amounts which the Council may borrow under the Local Government Act 1888 or any other enactment the amounts borrowed under this Act

shall not be reckoned but subject as aforesaid any loan so borrowed shall be borrowed under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 but the consent of the Minister of Health shall not be required to the borrowing or the period of repayment of moneys under subsection (1) of this section.

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92.—(1) The clerk shall if and when he is requested by the Minister of Health so to do send to the Minister a return showing the provision made for the repayment of any loans raised by the Council for the purposes of this Act.

Return to
Minister of
Health with
respect to
repayment
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Council and shall be sent within one month after the making of the request and in the event of his failing to make such return the clerk or other officer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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Expenses of
Council.

93. All expenses incurred by the Council in carrying into execution the provisions of this Act including the interest and loan charges in respect of moneys borrowed under or for the purposes of this Act shall (except where this Act otherwise expressly provides) be paid out of the county fund and be deemed to be expenses for general county purposes. Provided that any expenses incurred by the Council under this Act may be declared by the Council to be exclusively chargeable on certain districts or other limited parts only in the county and those expenses shall be levied accordingly as costs incurred for a special county purpose.

Expenses of
local
authorities.

94.—(1) Any expenses incurred by a local authority under or in pursuance of this Act shall be deemed to be expenses incurred by the authority for the purpose of the Public Health Act 1875 and the powers of that Act for borrowing money shall be available for the purpose of meeting any such expenses which are expenses to which capital is properly applicable.

(2) The interest and sinking fund charges in respect of any moneys borrowed by a local authority for meeting any expenses so incurred by them and being expenses to which capital is properly applicable and any expenses so incurred by a local authority and not being expenses to which capital is properly applicable shall be paid as follows:—

If the expenses have been incurred by an urban authority out of the district fund and general district rate of the district of the authority or such other fund or rate as the Minister of Health may approve; and

If the expenses have been incurred by a rural authority out of the fund or rate applicable to the payment of the general expenses of the authority or (if the Minister so approve) as special expenses chargeable on such contributory place or places in the district of the authority as the Minister may determine and to be apportioned between those contributory places under and subject to the provisions of section 229 of the Public Health Act 1875.

PART XI.

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MISCELLANEOUS.

95. The Council may in accordance with the Local Government Act 1888 but with the exceptions mentioned in that Act delegate to a committee of the Council appointed for that purpose any of the powers or duties of the Council under this Act with or without any restrictions or conditions as the Council may see fit and in respect of any powers or duties so delegated to any committee references to the Council in this Act shall be deemed to refer to the committee.

Committees
of Council.

96. The powers of the Council under section 65 of the Local Government Act 1888 shall extend to the purposes of this Act.

Power to
acquire
lands &c.

97. The Council on the one hand and any local authority any drainage authority in the county the council of any county or county borough or metropolitan borough adjoining the county the conservators of the River Thames the Port of London Authority and the owner lessee or occupier of any lands within the county or any one or more of the authorities bodies and persons aforesaid on the other hand may enter into and carry into effect contracts and agreements with respect to any of the provisions of this Act Provided that nothing in this section shall empower any such authority body or person to do any act or thing which such authority body or person is not otherwise lawfully entitled to do.

Power to
enter into
agreements.

98.—(1) Notwithstanding anything in the Metropolitan Police Courts Act 1839 or in any other Act to the contrary whenever in consequence of proceedings taken by the Council or any officer of the Council in respect of an offence under this Act a pecuniary penalty is inflicted the amount of such penalty shall be payable and paid to the Council and shall be carried to the credit of the county fund.

Application
of penalties.

(2) When any pecuniary penalty is inflicted under this Act on proceedings taken by a local authority the amount of the penalty shall be payable and paid to the local authority and carried by them to the credit of the district fund and general district rate of the district of the local authority or to such other fund or rate as the Minister of Health may sanction.

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Recovery of
penalties
&c.

99. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Form of
certain
notices.

100. Every notice given by the Council under any of the sections of this Act whereof the marginal notes are respectively "Clearing of streams" and "As to covering of streams" in Part II. of this Act "Registration of maternity homes" in Part IV. of this Act and "Council to grant licences" in Part V. of this Act shall specify the section under which the notice is given and notify the right of appeal conferred by that section.

Authenti-
cation and
service of
notices &c.

101.—(1) Where any notice order summons or other document under this Act or any byelaw or regulation made thereunder requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices orders summons and any other documents required or authorised to be served or given under this Act or any such byelaw or regulation may be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises. Provided that in the case of any company any such notice order summons or document shall be delivered or sent by post addressed to the secretary of the company at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice order summons or other document was properly addressed and put into the post.

(3) Any notice which by this Act or any byelaw or regulation made thereunder is required to be given to the owner or occupier of any premises may be addressed

by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description. A.D. 1925.
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102.—(1) Every authority of the Council or other body for the entry under the powers of this Act on or into any lands buildings or other premises shall be in writing signed by the clerk or other duly authorised officer of the Council or other body. Authority
to enter.

(2) Every person so authorised shall on entering any land building or other premises produce (if so required) his authority of entry.

(3) Every power of entry under this Act shall be exercised at a reasonable time having regard to the purpose for which entry is required.

103.—(1) Where public notice of any Part of this Act is directed to be given it shall be published by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think sufficient. Public
notices.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

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

(2) The Council or local authority as the case may be shall pay to the Ministry of Health any expenses incurred by that Ministry in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry.

105. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever Crown
rights.

A.D. 1925. description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of the Commissioners of Crown Lands on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give).

Costs of
Act.

106. The costs charges and expenses of and incidental to preparing applying for and obtaining this Act as taxed by the taxing officer of one of the Houses of Parliament shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

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