



CHAPTER xxi.

An Act to provide for the extension of the urban district of Hendon to confer further powers on the Council of that district to make further and better provision for the improvement health and local government of the district and for other purposes. A.D. 1929.
[26th July 1929.]

WHEREAS the urban district of Hendon (in this Act referred to as "the district") is under the local government of the urban district council of Hendon (in this Act referred to as "the Council") :

And whereas the parish of Edgware in the rural district of Hendon is situate in the administrative county of Middlesex and adjoins the district :

And whereas it is expedient to alter and extend the boundaries of the district so as to include within the district as extended by this Act the said parish of Edgware :

And whereas the district (which is coterminous with the parish of Hendon) and the parish of Edgware are included in the Hendon union and it is expedient to extend the boundaries of the parish of Hendon so as to include therein the parish of Edgware :

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

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And whereas it is expedient that the provisions contained in this Act with respect to the carrying on of trading in the streets of the district should be made :

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Hendon Urban District Council Act 1929.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Extension of existing district.

Part III.—Streets buildings sewers and drains.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Parks baths public buildings &c.

Part VI.—Lands.

Part VII.—Street trading.

Part VIII.—Financial.

Part IX.—Miscellaneous.

Incorporation of
Lands
Clauses
Acts.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same

are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act. A.D. 1929. —

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

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

“ The appointed day ” means the first day of April one thousand nine hundred and thirty-one or such other day as the Minister may by order appoint under the power conferred by this Act;

“ The existing district ” means the urban district of Hendon as existing immediately before the appointed day;

“ The extended district ” means the existing district as extended by this Act;

“ The district ” means until the appointed day the existing district and thereafter the extended district;

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

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

“ The county ” and “ the county council ” mean respectively the administrative county of Middlesex and the county council of that county;

“ The district map ” means the map marked “ Map “ of the urban district of Hendon as extended “ by the Hendon Urban District Council Act “ 1929 ” and signed in triplicate by Sir Walter Raine the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred of which copies are to be

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deposited as mentioned in the section of this Act of which the marginal note is "Deposit of maps";

"The parish of Edgware" means the existing parish of Edgware and "the Edgware Council" means the parish council of that parish;

"The rural district" and "the rural council" mean respectively the rural district of Hendon and the rural district council of that district;

"The added area" means the parish of Edgware added to the existing district by this Act;

"The parish of Hendon" means the existing parish of Hendon as extended by this Act;

"Existing" in relation to any area altered by this Act means existing immediately before the appointed day;

"Local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922;

"Officer" includes a servant and any person whose remuneration is paid by a local authority;

"The Minister" means the Minister of Health;

"The Act of 1888" means the Local Government Act 1888;

"The Act of 1894" means the Local Government Act 1894;

"The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

"The Act of 1925" means the Rating and Valuation Act 1925;

"Child" means a person under the age of sixteen years;

"Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the district; A.D. 1929.

“Food” has the meaning assigned to it by section 26 of the Sale of Food and Drugs Act 1899;

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

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time

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being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

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

PART II.

EXTENSION OF EXISTING DISTRICT.

Commence-
ment of
this Part of
Act.

5. This Part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject matter or context inconsistent therewith come into operation on the first day of April one thousand nine hundred and thirty-one or such other day (not being later than the first day of April one thousand nine hundred and thirty-two) as the Minister by order to be made not later than the first day of March one thousand nine hundred and thirty-one may appoint:

Provided that for the purposes of all proceedings preliminary or relating to any local government election to be held for any area constituted or affected by this Part of this Act in the year in which the appointed day occurs this Part of this Act shall operate from such day earlier than the appointed day as may be necessary.

Extension
of district.

6.—(1) The boundary of the existing district shall be altered so as to include in addition to the area of the existing district the parish of Edgware.

(2) The boundary of the extended district shall be that shown by the inner edge of the red line on the district map and the whole of the area within that boundary shall for all purposes be the district.

Alteration
of parishes.

7. The parish of Edgware shall be added to the parish of Hendon.

Deposit of
maps.

8.—(1) The district map shall within two weeks after the passing of this Act be deposited as to one copy in the office of the Clerk of the Parliaments in the House of Lords as to another copy in the Committee and Private Bill Office of the House of Commons and as to the third copy with the clerk at his office.

(2) Copies of the district map deposited with the clerk certified by him to be true shall be sent by him within one month after the passing of this Act to the clerk of the county council the clerk to the rural council the Minister the Board of Inland Revenue the Commissioners of Customs and Excise the Registrar-General the Board of Trade the Minister of Transport the Minister of Agriculture and Fisheries and the Electricity Commissioners. A.D. 1929.
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(3) Copies of or extracts from the district map deposited with the clerk certified by him to be true shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of the district map so far as it relates to the boundaries of the district and the map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the district and any such person shall be entitled to a copy of or extract from the map certified by the clerk to be true on payment of a reasonable fee to be determined by the Council.

(4) All fees so received shall be carried to the credit of the general rate fund.

9. The number of councillors of the district shall be increased from twenty-three to twenty-six. Number of councillors.

10. Subject as regards any future alterations of wards to the provisions of the Act of 1888 with respect to the alteration of wards the following provisions shall have effect:— Division of district into wards.

(a) For the purposes of the election of councillors the district shall be divided into seven wards;

(b) The existing wards and the number of councillors respectively assigned thereto shall remain unaltered;

(c) So much of the district as comprises the added area shall constitute a new ward to be named the Edgware Ward;

(d) Three councillors shall be assigned to the Edgware Ward.

11.—(1) At the election of councillors for the district in the year in which the appointed day occurs in pursuance of the Act of 1894 and the rules framed under that Act three councillors shall be elected for the Edgware Ward. Election of councillors for Edgware Ward.

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(2) The councillors so elected shall enter upon office on the fifteenth day of April next following the appointed day.

(3) The councillors elected for the Edgware Ward in pursuance of the provisions of this section shall retire as follows :—

(a) The councillor who is elected by the smallest number of votes on the fifteenth day of April in the first year after the appointed day ;

(b) The councillor who is elected by the largest number of votes on the fifteenth day of April in the third year after the appointed day ;

(c) The other councillor on the fifteenth day of April in the second year after the appointed day.

(4) If for any reason it is doubtful which of the councillors for the Edgware Ward should retire on a date mentioned in this section the question shall be determined at the first or second meeting of the Council held after the appointed day by lot conducted under the direction of the person presiding at that meeting.

(5) In the year following the appointed day and in each year thereafter one member of the Council shall be elected for the Edgware Ward.

(6) If any order is made by the Minister under the provisions of the section of this Act of which the marginal note is " Commencement of this Part of Act " determining that any day other than the first day of April one thousand nine hundred and thirty-two shall be the appointed day for the purposes of this Part of this Act the Secretary of State may by order alter vary or amend the provisions of this or any other section of this Act relating to the election and retirement of councillors.

Qualifica-
tion of
councillors.

12. For the purposes of the application to the district of the provisions of subsection (2) of section 23 of the Act of 1894 the added area shall be deemed to have always formed part of the district.

County
electoral
divisions.

13. Subject to the provisions of section 54 of the Act of 1888 and section 2 of the Representation of the People Act 1922—

(1) The parish of Edgware shall be separated from the Pinner electoral division of the county

and shall be added to the Hendon North A.D. 1929.
electoral division of the county : —

- (2) The person who immediately before the appointed day is the county councillor representing the existing Pinner electoral division shall continue in office and be deemed to have been elected for that division as altered by this Act and shall retire on the day on which he would have retired if this Act had not been passed :
- (3) The person who immediately before the appointed day is the county councillor representing the said Hendon North electoral division of the county shall continue in office and shall be deemed to have been elected to represent that division as altered by this Act and shall retire on the day on which he would have retired if this Act had not been passed.

14. The clerk and all other officers and servants of the Council of the existing district who hold office on the appointed day shall continue to be the clerk and officers and servants of the Council of the district and shall hold their offices by the same tenure as at that date. Clerk and other officers continued.

15. Subject to the provisions of this Act and to any necessary adjustment so much of any sums borrowed by the Council as shall on the appointed day be owing and charged on the general rate fund and general rate of the existing district shall be charged upon the general rate fund and general rate of the district and all such sums shall together with the interest to accrue due thereon be repaid by the Council within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable. Mortgage debts of Council.

16. Subject to the provisions of this Part of this Act all property vested in the Council on the appointed day for the benefit of the existing district shall by virtue of this Part of this Act be held by the Council for the benefit of the district and the Council shall hold enjoy and exercise for the benefit of the district all the powers which at the date aforesaid are exerciseable by or vested in the Council for the benefit of the existing Council property &c.

A.D. 1929. — district and all liabilities which on the date aforesaid attached to the Council in respect of the existing district shall from and after that date attach to them in respect of the district.

Local Acts
and Orders.

17.—(1) Subject to the provisions of this Act the unrepealed provisions of any local Act or Provisional Order duly confirmed and affecting the existing district or the Council as the same respectively are in force within the existing district at the appointed day shall extend and apply to the district and any reference therein to the existing district and the Council shall be deemed to refer to the district and the Council.

(2) The provisions of any protective enactment for the benefit of the Edgware Council or the rural council (or the predecessors of either of those councils) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added area enure to the benefit of the Council and shall be construed as if a reference to the Council were substituted for any reference to such council (or their predecessors) as the case may be.

Electricity
powers
not to be
affected.

18.—(1) Nothing in this Act shall alter the area for the supply of electricity of the Hendon Electric Supply Company Limited or other the undertakers for the time being under the Hendon Electric Lighting Orders 1899 to 1908 or affect the rights or powers of the said company under the said Orders or of the Council or of the North Metropolitan Electric Power Supply Company under the North Metropolitan Electric Power Supply (Consolidation) Act 1928.

(2) Without prejudice to the generality of the enactment contained in subsection (1) of this section the reference to the urban district of Hendon in section 118 (For protection of Hendon Urban District Council) and section 125 (For protection of certain authorised distributors) of the said Act of 1928 shall notwithstanding anything in this Act continue to mean the existing district.

Adoptive
Acts.

19.—(1) The provisions of the Baths and Wash-houses Acts 1846 to 1925 the Public Libraries Acts 1892 to 1919 the Public Health Acts Amendment Act 1890 the Infectious Disease (Prevention) Act 1890 the

Local Government and other Officers' Superannuation Act 1922 and the Public Health Act 1925 which are in force in the existing district shall be in force in and apply to the district as if the same had been adopted for the district. A.D. 1929.
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(2) The provisions of any adoptive Acts other than the Acts mentioned in subsection (1) of this section shall cease to be in force in any part of the added area :

Provided that all powers duties and liabilities under the Private Street Works Act 1892 with which the rural council may be invested immediately before the appointed day shall vest in and attach to the Council so far as regards any works in the added area executed by the rural council under that Act before the appointed day or in respect of which that council before that day shall have passed a resolution or shall have served notices.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the appointed day throughout the existing district shall extend and apply to the added area and any such order in force on the day aforesaid in the added area shall save as hereinbefore provided cease to be in force in that area.

20. For the purpose of the Small Dwellings Acquisition Acts 1899 to 1923 the Notification of Births Acts 1907 and 1915 and the Maternity and Child Welfare Act 1918 the Council shall be the local authority for the district. Council to
be local
authority
for certain
Acts.

21. Subject to any order which the Minister or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders made under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 :— Powers
under
Public
Health
Acts 1907
and 1925.

(1) The provisions of any order made before the appointed day whereby any parts or sections of either of the said Acts are in force in the existing district shall have effect as if any reference in that order to the district as it existed at the date of such order extended and applied to the district and as if the said parts or sections were accordingly declared to be in force in the district :

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- (2) Any other order under either of the said Acts which is in force at the appointed day throughout the existing district shall extend and apply to the added area :
- (3) The provisions of any order made before the appointed day and declaring to be in force in any part of the added area any parts or sections of either of the said Acts shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Orders
under
section 33
of Act of
1894.

22.—(1) Subject to the provisions of the Act of 1925 any powers duties and liabilities transferred to or conferred upon the Council by any order of the Local Government Board or the Minister under section 33 of the Act of 1894 shall save as in this section provided be deemed to have been transferred to or conferred upon the Council in respect of the district and the parish of Hendon and any such order shall have effect accordingly :

Provided that nothing in this Act shall be deemed to substitute a reference to the parish of Hendon for a reference to the existing parish of Hendon in the order made by the Local Government Board on the twenty-eighth day of September one thousand eight hundred and ninety-six conferring upon the Council the powers duties and liabilities of a parish council under section 14 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of the existing parish of Hendon.

(2) Subject to the provisions of any order which the Minister may make after the appointed day an order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Part of this Act as if this Act had not been passed.

Orders
under Shop
Hours Act

23. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force

immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applied immediately before the appointed day.

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1904 or
Shops Acts
1912 to
1928.

24.—(1) The local registrar for the rural district under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the clerk as the local registrar for the district an office copy of every entry in the local land charges register relating to any premises situate within the added area and shall be paid by the Council in respect thereof such fees as are prescribed by the said rules.

Land
charges
register.

(2) The clerk as the local registrar for the district shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate parts of the local land charges register of the district.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land in the added area :—

(a) The clerk as the local registrar for the district shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the rural district;

(b) Where application is made for an official search the clerk as local registrar for the district shall issue free of charge a certificate of official search in the register of the district and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof;

The local registrar for the rural district shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed.

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Saving for
entries in
local land
charges
registers.

25. Where a local land charge duly registered in the local land charges register of the rural council is in pursuance of this Act transferred from the register of the rural council to the register of the Council as provided for in the immediately preceding section of this Act such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the district.

Byelaws
and regula-
tions.

26.—(1) All byelaws made under the Public Health Acts and in force within the existing district or within the added area immediately before the appointed day shall—

(a) if made before the first day of January one thousand nine hundred and nineteen continue to apply to the existing district or to the added area as the case may be for three years after the appointed day (unless previously repealed or altered by the Council) but shall on the expiry of three years cease to be in force within the district :

(b) if made on or after the first day of January one thousand nine hundred and nineteen continue to apply to the existing district or to the added area as the case may be until repealed or altered by the Council.

(2) Any such byelaws in force in the existing district may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be extended with or without modification to the added area.

(3) All other byelaws made by the Council which immediately before the appointed day are in force throughout the existing district shall extend and apply to the district until such byelaws be altered or repealed. All byelaws other than those to which subsection (1) of this section applies made by the rural council or the Council of the added area and in force immediately before the appointed day in any part of the added area shall on that day cease to be in force therein.

(4) In their application to the added area any byelaws continued in force by this section shall have

effect as if they had been made by the Council and as if the added area were referred to therein instead of the area to which they apply immediately before the appointed day.

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(5) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added area may be taken by the Council.

(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

27.—(1) Any resolution passed or other proceeding taken by the rural council under the Town Planning Act 1925 or any enactment thereby repealed (including agreements orders and consents entered into made or given under that Act or repealed enactment) shall in so far as they relate to land within the added area have effect as if they had been passed or taken by the Council in respect of the added area.

Town
planning
schemes.

(2) On and after the appointed day the Council shall as respects the added area exercise the powers conferred and be subject to the duties imposed on the rural council by the Hendon Rural Town Planning Scheme (Interim Development) Order 1925 as if the name of the Council had been substituted therein for the name of the rural council.

28. For the purposes and subject to the provisions of the Education Act 1921—

Transfer of
public
elementary
schools &c.
to Council.

(1) All public elementary schools provided by the county council as local education authority and situate in the added area and the furniture fittings books and apparatus belonging to the county council of any public elementary school in the added area shall by virtue of this Act be transferred to and vested in the Council as the local education authority for all the estate and interest therein of the county council as the local education authority :

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- (2) All contracts debts and liabilities which at the appointed day are existing or are owing by or attach to the county council in respect exclusively of any public elementary school in the added area or of the furniture fittings books or apparatus or with respect to the officers and teachers of any public elementary school in the added area and to school attendance officers school nurses and other persons employed whole time in connection with education services exclusively in the added area shall by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the Council as the local education authority :
- (3) Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section :
- (4) Subject to any adjustment which may hereafter be made the liability for the repayment of so much of any loan raised exclusively in respect of any public elementary school or in respect of the furniture fittings or apparatus transferred to and vested in the Council by virtue of this Act as will be owing at the appointed day and the liability for the payment of interest on that part of the said loan shall by virtue of this Act be transferred and attach to the Council as the local education authority and so much of any such loan as will be owing at the appointed day shall be charged on the general rate fund and the general rate and shall be repaid by the Council within the period for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :
- (5) In this section "public elementary school" includes the site and school house and also any land acquired and held by the county council as the local education authority for purposes of elementary education.

Education
byelaws and
managers.

29.—(1) Any byelaws under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing district immediately before the

appointed day shall apply to the district until revoked or altered by the Council in substitution for any such byelaws which may be in force in the added area. A.D. 1929.
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(2) Every manager of any elementary school in the added area who was appointed by the county council or by the parish council or nominated by the rural council shall vacate office at the appointed day.

30.—(1) The rural council shall cease to exercise any powers or discharge any duties within any part of the added area. Powers property &c. of rural council.

(2) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to any part of the added area shall by virtue of this Act be transferred to and vest in the Council as urban district council.

(3) Any property or liabilities vested in or attaching to the rural council in relation to any part of the added area conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

31.—(1) The total number of councillors of the rural district shall be reduced by one. Rural district councillors.

(2) The person who immediately before the appointed day is the rural district councillor for the parish of Edgware shall go out of office on the appointed day.

(3) Any casual vacancy occurring in the office of rural district councillor for the said parish prior to the appointed day shall not be filled.

32.—(1) The Edgware Council shall liquidate as far as practicable before the appointed day all current debts and liabilities incurred by them. Liquidation of current debts and liabilities of Edgware Council.

(2) If default is made by the said council in complying with the requirements of subsection (1) of this section—

- (a) The Council may in accordance with section 2 (5) of the Act of 1925 make and levy over the added area as an additional item of the general rate such an amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the Edgware Council;

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- (b) Any such additional item of the general rate may be made retrospectively to raise money for the payment of charges and expenses incurred by the Edgware Council at any time within one year before the appointed day.

Apportion-
ment of
balances
and sums
received
under
precepts.

33.—(1) As soon as practicable after the appointed day the county council and the rural council shall as regards any cash balance in their hands at the appointed day estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of the added area accruing up to the appointed day shall transfer such amount to the Council.

(2) Any sum received after the appointed day by the county council or the rural council under a precept issued before that day in respect of the added area shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Part of this Act.

Adaptation
of pro-
visions as to
adjustment.

34.—(1) Agreements may be made by any councils or other authorities affected by the alteration of any areas or authorities made by this Act for the adjustment of any property income debts liabilities and expenses so far as they are affected by the alteration and section 62 of the Act of 1888 shall apply to any such adjustment with the following modifications :—

(a) As if in subsections (5) (6) and (7) thereof the expression “ council ” included any authority affected by this Part of this Act or by anything done in pursuance of this Part of this Act;

(b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and

subject to the requirement that all moneys so borrowed shall be repaid within such period as the Minister may sanction; A.D. 1929.

- (c) As if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in that section; and
- (d) As if the following subsection were added to the section:—

“(8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that any amount shall be charged separately on a part only of any rating area the agreement or award may authorise the levying of that amount on that part of the rating area together with and as an additional item of the general rate in accordance with the provisions of subsection (5) of section 2 of the Act of 1925.”

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act.

35. Any balances standing at the appointed day in the books of the rural council to the credit or debit of the parish of Edgware and any balance immediately before the appointed day in the hands of or due to the rating authority of the parish of Edgware shall be matters for adjustment under section 62 of the Act of 1888. Balances and debts of rural council.

36.—(1) If the register of local government electors for any electoral area affected by this Part of this Act is not so framed as to show the persons entitled to vote at an election to be held for a parish or ward or other voting area the registration officer shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election. Provisions as to register of electors.

(2) It shall be the duty of the clerk and of any officer designated under article 3 of the Overseers Order 1927 by the Council or by the rural council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by the registration officer for the purpose of any alteration or re-arrangement authorised by subsection (1) of this section.

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(3) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this Part of this Act and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Dissolution
of parish
council and
powers pro-
perty and
liabilities
of parish
council &c.

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

- (1) The Edgware Council shall cease to exist :
- (2) Any powers and duties transferred by or under the Act of 1894 to the Edgware Council or the parish meeting of the parish of Edgware shall be vested in and imposed on the Council :
- (3) Any property or liabilities held or incurred by the Edgware Council in relation exclusively to the parish of Edgware or any portion thereof shall by virtue of this Act be transferred to vest in or attach to the Council :
- (4) Any property or liabilities held or incurred by the Edgware Council in relation to the parish of Edgware or any portion thereof conjointly with any other area shall by virtue of this Act be transferred to vest in or attach to the Council but shall be a matter for adjustment under section 62 of the Act of 1888.

Settlement
and removal
of poor.

38. Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a settlement in any existing parish affected by this Part of this Act by reason of residence birth or other qualification in any part of the added area shall be deemed to have acquired or to be in the course of acquiring thereby a settlement in the parish of Hendon as if the added area had always been part of that parish.

Application
of Act of
1925.

39.—(1) As from the date of the passing of this Act the Council shall be entitled to nominate one additional representative on the assessment committee of the area within which the district is included.

(2) As from the appointed day that portion of the first new valuation list under the Act of 1925 which relates to the added area shall be transferred to the Council and shall be amalgamated with the first new valuation list for the district.

(3) All documents in the possession of the rural council relating exclusively to the preparation within the added area of the first new valuation list under the Act of 1925 shall forthwith after the appointed day be transferred to the Council. A.D. 1929. —

40. For the purposes of all valuation lists for the district to be prepared under the Act of 1925 the amount of the deduction to be made from net annual value in the ascertainment of the rateable value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to the Act of 1925 shall be thirty per centum and such alteration of the rateable value of rateable hereditaments within the added area shall be made by the Council in the valuation lists as may be necessary to give effect to this provision. Deduction in ascertaining rateable value of tithes railways canals &c.

41.—(1) All rate books books of account minutes of proceedings deeds papers and writings belonging to the parish of Edgware and all documents directed by law to be kept with the public books writings and papers of that parish except any book or document relating to ecclesiastical matters shall be deposited in such custody as the Council may direct. Parish books and documents.

(2) Any ratepayer of the said parish shall at all times have the same right of inspection and of making extracts from the books minutes deeds papers or writings referred to in this section which he would have had if this Act had not been passed.

42.—(1) The accounts of the Edgware Council shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Act had not been passed. Audit of accounts of Edgware Council.

(2) Any sum certified by the district auditor to be due from any person at the audit of the accounts to which this section applies shall be paid to the treasurer and shall if necessary be a matter for adjustment under section 62 of the Act of 1888.

(3) This section shall apply to the accounts of any committee or officer of the said council as it applies to the accounts of that council.

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Existing
officers of
rural
council and
Edgware
Council &c.

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

- (1) All or any of the persons who at the commencement of this Part of this Act are officers of the Edgware Council or officers employed whole time by the county council or the rural council exclusively in the added area may if the Council think fit be transferred to and become officers of the Council :
- (2) Every officer so transferred shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing analogous duties to those which he was required to perform immediately before the appointed day shall receive not less salary or remuneration and be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Act had not been passed :
- (3) Every officer so transferred who on the appointed day holds a post duly designated as established for the purpose of the Local Government and other Officers' Superannuation Act 1922 shall be deemed to have been transferred to a designated post in the service of the Council within the meaning of that Act and the provisions of that Act shall apply as if he had been transferred to the service of the Council with the consent of the Council in whose service he was prior to the appointed day :
- (4) The Council may distribute the business to be performed by the transferred officers in such manner as the Council may think proper and every officer shall perform such duties in relation to that business as may be directed by the Council and the Council may abolish the office of any officer :
- (5) If at any time within five years after the appointed day any transferred officer is required by the Council to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the appointed day the officer may relinquish his office.

44.—(1) Every officer in office at the passing of this Act who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Council.

A.D. 1929.

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Compensation to existing officers.

(2) Any transferred officer who relinquishes his office in pursuance of the last preceding section of this Act or any officer whose services are dispensed with or whose salary is reduced within five years from the appointed day because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Part of this Act.

45.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Part of this Act regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

Determina-
tion of
compensa-
tion.

(2) Any compensation payable under this Part of this Act to any officer shall be paid out of the general rate fund and general rate and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any other necessary modifications :—

(a) Any reference in that section to the county council shall be construed as a reference to the Council;

(b) References in that section to “the passing of this Act” shall be construed as references to the date on which the abolition or relinquishment of office or determination of appointment takes effect or the direct pecuniary loss commences as the case may be;

(c) The expression in subsection (1) of that section “the Acts and rules relating to Her Majesty’s Civil Service” shall mean the Acts and rules

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—

relating to Her Majesty's Civil Service which were in operation at the date of the passing of the Act of 1888;

(d) The references in subsections (4) and (6) of that section to the Treasury shall be deemed to be references to the Minister;

(e) The words "any local authority as defined by "the Local Government and other Officers' "Superannuation Act 1922" shall be substituted for the words "the same or any other county council" in subsection (7) of that section.

(3) The compensation payable under this Part of this Act to an officer who immediately before the appointed day held two or more offices under any local authority or local authorities and who devoted the whole of his time to the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

(4) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Council shall take into account all the service of any such officer (after he had attained the age of eighteen years) in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(5) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors' book or the register of electors shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation.

(6) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's forces or the forces of the allied or associated powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence Provided that in the case of an officer who after the armistice voluntarily extended his term of service in the forces no period of absence during such extension shall be so reckoned.

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(7) The Council may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

(8) For the purposes of this section and the immediately preceding section of this Act the following offices shall be deemed to be offices under a local authority namely clerk to an assessment committee constituted under the Act of 1925 superintendent registrar registrar of births and deaths and registrar of marriages.

(9) The provisions of the immediately preceding section of this Act and the provisions of this section shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority :

Provided that—

- (a) In the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day ;
- (b) In the application of subsection (7) of section 120 of the Act of 1888 in the case of a teacher to whom a compensation allowance has been granted in pursuance of this section service in a public elementary school maintained but not provided by a local authority shall be deemed to be service in an office under that authority.

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Compensa-
tion and
super-
annuation.Arrears of
rates made
by rating
authorities.Saving as
to main
roads in
added area.Savings for
actions
contracts
&c.

46. No officer shall be entitled to receive compensation under this Part of this Act for any direct pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

47. Subject to any adjustment under section 62 of the Act of 1888 all rates not collected at the appointed day and levied by any rating authority upon any hereditament situate in the added area shall be collected and recovered by the Council.

48. Notwithstanding anything contained in section 32 of the Local Government Act 1929 the Council shall not without the consent of the county council claim to exercise the functions of maintenance and repair in respect of any road in the added area which on the first day of April one thousand nine hundred and twenty-nine was a main road nor with respect to any part of the road known as Hale Lane which is situate within the added area.

49. No alteration effected by this Part of this Act shall cause to abate prejudicially affect or prevent any action cause of action or proceeding which at the appointed day is pending or existing by or against the county council the rural council or the Edgware Council or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by any such council or their predecessors :

Provided that—

- (i) Any action cause of action or proceeding which at the appointed day is pending or existing by or against any such council in relation exclusively to any part of the added area may be continued prosecuted and enforced by or against the Council; and
- (ii) All contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such council or their predecessors in relation exclusively to any part of the added area may be continued and enforced as fully and effectually as if instead of such council (or their predecessors) the Council had been a party thereto.

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50. A councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification by reason of the alterations of area made by this Part of this Act.

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Saving for
qualifica-
tion of
councillors.

51. Notwithstanding the alterations in the areas of parishes or districts effected by this Part of this Act all contribution orders issued and precepts made before the appointed day shall be as valid in law as if this Act had not been passed.

Saving for
contribution
orders and
precepts.

52. Nothing contained in this Part of this Act shall—

Saving
provisions.

- (a) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the county council or the Council under the Act of 1888 or the Act of 1894 or the Local Government Act 1929;
- (b) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment;
- (c) affect the provisions of the Act of 1925 save as in this Part of this Act expressly provided;
- (d) affect land tax and for the purposes of Imperial taxes or duties other than land tax the provisions of the section in this Part of this Act whereof the marginal note is "Alteration of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

53. Any reference in this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 until such corresponding provision is repealed by the Education Act 1921.

References
to Educa-
tion Act
1921.

[A.D. 1929.

—
Power to
county
council
to amend
this Part
of Act.

54. The county council shall have the like power of amending this Part of this Act as if this Part of this Act had been an order of the county council made under the Act of 1888 for the alteration of the boundary of an urban district.

PART III.

STREETS BUILDINGS SEWERS AND DRAINS.

Power to
determine
width of
carriage-
ways and
footways.

55.—(1) The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the district repairable by the inhabitants at large. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of Transport.

(2) The Council shall not exercise the powers of this section in relation to any main road for the maintenance and repair of which the county council are at the appointed day responsible without the consent in writing of the county council.

As to
urgent
repairs of
private
streets.

56. Where in the opinion of the council repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Council may at their own expense execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation with regard to such street at any subsequent date of section 150 of the Public Health Act 1875 or of section 19 of the Public Health Acts Amendment Act 1907. Provided that the cost of any such repairs shall not exceed five pounds in the case of any such street.

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

57.—(1) Whenever application shall be made to the Council to approve the laying out of or notice shall be given to the Council of intention to lay out a new street within the meaning of their byelaws with respect to new streets the Council may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Council with plans sections and particulars showing the general scheme (if any) for the development

or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans sections and particulars required as aforesaid shall be so furnished.

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(2) If after the submission of the plans sections and particulars referred to in subsection (1) of this section the Council shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans sections and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans sections and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The said owner may at any time submit to the Council for their approval any alteration in the said plans sections and particulars and the Council may if they think fit approve such alteration.

(4) (a) Any person deeming himself aggrieved by any requirement of or by the Council under this section or by any modification required in the said plans sections and particulars by the Council or by any refusal on the part of the Council to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(5) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the district.

58.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street within the meaning of the Council's byelaws with

Adjust-
ment of
boundaries
of estates.

A.D. 1929. — respect to new streets or any provision in a local Act with respect to the width of new streets are submitted to the Council for approval the Council may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Council and the respective persons interested in such estate or lands be determined on the application of the Council or any such person by an arbitrator to be appointed by the Minister and the Council may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Council.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Council may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Council may think reasonable. A.D. 1929.

59.—(1) The Council may enter into and carry into effect agreements with any owner of lands adjoining any street (other than a main road to which the provisions of section 63 (Exchanges for road improvements) of the Middlesex County Council (General Powers) Act 1921 apply) for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Council shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section. Adjust-ment of boundaries of streets.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the district and if during such period of one month any four inhabitant householders of the district by themselves or their agent give notice to the Council of their intention to appeal under the provisions of this section the Council shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the district may appeal to a court of summary jurisdiction against any proposal of the Council for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(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 to the court shall seem just.

A.D. 1929.
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(5) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Council or the owner of the adjoining land (as the case may be) were undertakers within the meaning of the said Act.

For pro-
tection
of Metro-
politan
Water
Board.

60. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Council have effect (that is to say) :—

- (1) Whenever the Council shall in varying the relative widths of the carriageway and footway or footways in any street under the power contained in the section of this Act of which the marginal note is "Power to determine width of carriageways and footways" add to the carriageway any portion of any footway in which there is any main pipe work or apparatus (in this section referred to as "apparatus") of the board the board may lower the apparatus so that its depth below the surface of the carriageway shall not exceed three feet measured from the upper side of the apparatus and the Council shall on demand repay to the board the expenses reasonably incurred by them in so doing :
- (2) (a) Whenever under the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" any part of any street within the limits of supply for the time being of the board in which there is situate any apparatus is exchanged for any

land the Council shall forthwith give notice in writing to the board of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged;

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(b) The board may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Council shall repay to the board the reasonable expenses of and in connection with such alteration of position;

(c) The board shall give to the Council not less than twenty-one days' notice in writing of their intention to alter the position of any apparatus under the provisions of this section and shall at the same time deliver to the Council a plan section and specification of the proposed alteration. If such plan section and specification are not disapproved by the Council within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable :

- (3) Any difference between the Council and the board under this section shall be referred to an arbitrator to be agreed upon between the Council and the board or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

61. Notwithstanding anything in this Part of this Act the following provisions for the protection of the North Metropolitan Electric Power Supply Company (in this section referred to as "the company") shall (in addition to any other provisions enuring for the protection of the company) unless otherwise agreed in writing between the Council and the company apply and have effect (that is to say) :—

For protection of North Metropolitan Electric Power Supply Company.

- (1) In this section "apparatus" means all or any electric lines (as defined in the Electric Lighting Act 1882) and other apparatus belonging to the Company :

A.D. 1929.
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- (2) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is "Power to determine width of carriageways and footways" shall add to the carriageway of a street any portion of the footway in which there is any apparatus the company may alter the position of such apparatus to such a depth below the surface of the carriageway or to such other position as may be reasonable having regard to the circumstances and the Council shall repay to the company the reasonable expenses of and in connection with such alteration of depth or position :
- (3) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" shall give up land forming part of a street in exchange for other land there then being in such first mentioned land any apparatus the company may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Council shall repay to the company the reasonable expenses of and in connection with such alteration of position :
- (4) The company shall give to the Council not less than twenty-one days' notice of their intention to alter the position of any apparatus under the provisions of subsections (2) or (3) of this section and shall at the same time deliver to the Council a plan section and specification of the proposed alteration. If such plan section and specification are not disapproved by the Council within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable :
- (5) If any difference arises with respect to any matter under this section between the Council and the company the matter in difference shall be referred to an arbitrator to be agreed upon or failing such agreement to be appointed on the application of either party after notice thereof in writing to the other by the President of the

Institution of Electrical Engineers and subject A.D. 1929.
as aforesaid the provisions of the Arbitration
Act 1889 shall apply to any such reference. —

62.—(1) Where plans and sections of a new street have been deposited with and approved by the Council no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been so defined.

No build-
ing allowed
until street
defined.

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

63.—(1) The Council may prescribe the line of frontage of houses or buildings (in this section called "the building line") to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already laid out upon which buildings have not already been erected.

Frontage
line in new
streets.

(2) It shall not be lawful without the approval of the Council to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building beyond or in front of the building line prescribed by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

(4) In the event of the Council prescribing a building line at a greater distance from the centre of a street already laid out than the line at which buildings could be erected having regard to the provisions of the byelaws

A.D. 1929. with respect to streets and buildings in force within the district or of the Public Health (Buildings in Streets) Act 1888 the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

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

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

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

Secondary
means of
access.

64. Section 23 of the Public Health Acts Amendment Act 1890 which empowers the Council to require secondary means of access in connection with the laying out of new streets shall apply to the district as if the words "and width" were substituted for the words "in connection with the laying out of new streets."

As to
pavement
lights.

65.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the district any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Council.

(2) In giving their consent to the construction of any pavement lights the Council may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Council with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed. A.D. 1929.

66. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin being the property of the Council shall make full compensation to the Council for the damage done and such compensation to an amount not exceeding five pounds shall be recoverable summarily as a civil debt. Compensation for injuring lamps &c.

67.—(1) (a) For the purpose of assisting the Council in the exercise of the powers conferred upon them by this section a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the district of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the Council: Further power to make bye-laws as to new buildings &c.

Provided that a member of the Council shall be disqualified from being a member of the advisory committee.

(b) Subject as aforesaid the members of the advisory committee shall be appointed by the Council and any vacancy occurring on the advisory committee shall be filled by the Council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Council may pay the members of the advisory committee such reasonable fees and expenses as the Council think fit.

(2) Section 157 of the Public Health Act 1875 is hereby extended so as to enable the Council to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct—

(a) a building within the district; or

A.D. 1929.]

- (b) an addition to an existing building within the district (including the reconstruction of an existing addition to any such building); or
- (c) a chimney in the district exceeding forty-five feet from the ground in height;

of drawings of the elevations and particulars as to the materials of such building or addition or chimney (in this section called collectively "elevations").

(3) Where elevations are required to be submitted to the Council by a byelaw made under the said section 157 as extended by this section the Council shall within one month after the submission to them of the elevations—

- (a) approve the elevations; or
- (b) if they shall consider that having regard to the general character of the buildings in the district or of the buildings proposed therein to be erected or of the building upon or to which the addition is to be constructed or reconstructed the building or addition or chimney to which the elevations relate would seriously disfigure the district whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable.

(4) The Council shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building or addition or chimney is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building or addition or chimney.

(5) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement

of his answers to the objections of the Council and if he does so he shall at the same time send a copy thereof to the clerk. A.D. 1929.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (3) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable.

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(6) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Council and to the person by whom the elevations were submitted.

(7) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(8) Where the elevations of a building or addition or chimney have been disapproved under this section it shall not be lawful to erect the building or addition or chimney until the elevations thereof have been approved by the Council and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(9) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof are payable by the person submitting the elevations they shall be recoverable by the Council summarily as a civil debt and where such costs or part thereof are payable by the Council they shall be recoverable by the person submitting the elevations in the like manner.

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(10) The provisions of paragraph (b) of subsection (2) of this section shall not apply to a wooden hoarding which is used solely for the purposes of bill posting.

Elevation
of buildings
erected on
front lands
to require
approval.

68.—(1) Where by reason of any improvement made by the Council within the district any land shall become land which adjoins or abuts on any street the following provisions shall apply :—

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Council;

(ii) If the Council within six weeks after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Council shall be deemed to have approved of the elevations.

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

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

Erection of
buildings
to greater
height than
adjoining
building.

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

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

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70.—(1) The Council may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street :

Attach-
ment of
lighting
brackets
and wires
to buildings.

Provided that—

- (a) where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid ;
- (b) any consent of any owner and an order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section ;
- (c) the owner may require the Council temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

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As to fore-
courts.

71.—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to
erection of
retaining
walls.

72.—(1) Before any person shall erect on any land a retaining wall of a greater height than six feet abutting on or adjacent to any street or road he shall submit to the Council plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Council.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Restriction
on erection
of tem-
porary
stands &c.

73.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Council a plan and section thereof and shall comply with such regulations as the Council may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor or travelling showman.

74.—(1) The Council may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character.

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Direction
signs.

(2) Before putting up or painting a sign on a house building or place the Council shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Council under this section.

(3) Any person who shall wilfully and without the consent of the Council obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Council may recover the expenses of replacement and making good from such person.

75. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire-alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

As to fire
plugs &c.

76.—(1) If the Council shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the district they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such reasonable period not being less than forty-eight hours as may be specified in the notice.

Banners
and signs
over
streets.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign

A.D. 1929. — or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Council or without complying with any conditions attached to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the first day of November one thousand nine hundred and twenty-eight.

(4) (a) Any person deeming himself aggrieved by any requirement of any notice of the Council the withholding of any permission of the Council under this section or by any condition attached to any such permission may within fourteen days from the service of such notice or the intimation to him of such withholding or of the attaching of such condition appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just.

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

(5) Notice of the right to appeal shall be endorsed on every notice of the Council under this section.

77. Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to the following matters (namely) :—

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

Byelaws
as to
materials
and con-
struction
of buildings
flats &c.

- (b) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united; A.D. 1929.
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- (c) The testing of drains of new buildings; and
- (d) Requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws.

78. Section 157 of the Public Health Act 1875 is hereby extended so as to enable the Council to make byelaws for securing that any new building shall not be constructed in such situation or manner as to impede the proper ventilation of any other building or to render any such other building or any part thereof unfit for human habitation or dangerous or injurious to health or to prevent necessary access to any such other building for purposes connected with the remedying of nuisances or the enforcing of any legal provisions relating to the public health. Byelaws for preventing construction of obstructive buildings.

79. Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to— Byelaws as to erection of dwelling-houses under continuous roof.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space; and
- (iii) the situation construction and height of walls or fences upon or across such open space.

80. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building. Byelaws as to alterations to old buildings.

A.D. 1929.

As to
hoardings
and similar
structures.

81.—(1) (a) No fence hoarding or other similar structure (in this section referred to as “structure”) of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street—

- (i) beyond any building line prescribed by the Council in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforce- A.D. 1929.
able with regard to any structure existing at the com-
mencement of this Act for a period of five years from such
date and shall not apply to any wooden structure fence
or hoarding of a moveable or temporary character
erected by a builder for his use during the construction
alteration or repair of any building unless the same is
not taken down or removed immediately after such
construction alteration or repair is complete.

82. The Council may by notice in writing require As to
the owner of any hoarding to maintain the same in repair of
good order and condition and if any paper or other hoardings.
material affixed thereto for advertising purposes becomes
detached forthwith to remove and clear away such
paper or other material and if any owner shall neglect
or refuse to comply with any such notice the Council
may carry out the requirements thereof and recover
from the owner any expense incurred by them in so doing.

83.—(1) Before placing or erecting any hoarding As to
or fence at or within a distance of ten yards from the erection of
corner of any street the person proposing to place or hoardings
erect such hoarding or fence shall give notice of his &c. at
intention so to do to the Council and such notice shall street
be accompanied by plans and particulars of the hoarding corners.
or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding or
fence would constitute a danger to the traffic in the
streets of the district upon adjoining or near to which the
same is proposed to be placed or erected by obstructing
the view of any foot passenger or the driver of any vehicle
in a street of vehicular or pedestrian traffic the Council
may within six weeks of the receipt of the said notice
prohibit such placing or erection or may allow the
same subject to such conditions or modifications of the
said plans and particulars as they may think fit If
within six weeks of the receipt of the said notice the
Council shall not have prohibited such placing or
erection or allowed the same subject to a condition or
to a modification of such plans or particulars they shall
be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding
or fence in contravention of the provisions of this
section shall be liable to a penalty not exceeding five

A.D. 1929. — pounds and the Council may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

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

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

(5) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

Means of
escape
from
buildings
in case of
fire.

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

(2) The Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop

or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the Council's opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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

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

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

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

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

A.D. 1929.
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(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Council and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply nor to any buildings vested in the county council which are for the time being exempt from the byelaws of the Council with respect to new streets and buildings made under section 157 of the Public Health Act 1875.

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

(10) Where an existing building is newly converted after the passing of this Act into flats it shall be deemed to be a new building within the meaning of this section.

Food
storage
accommoda-
tion to
be provided.

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

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

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

thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs. A.D. 1929.
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(c) Notice of the right to appeal shall be endorsed on every requirement of the Council under this subsection.

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Council under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

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

87. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Powers on
inspection.

88.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner at his option either to take down or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the Dilapi-
dated and
neglected
buildings.

A.D. 1929. — satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

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

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

As to
dangerous
buildings.

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

(2) If upon such examination and inspection it shall appear necessary that any works should be executed

or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures in the district. A.D. 1929. —

90.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Council and until the completion of any such erection construction or reconstruction maintain such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed. Sanitary conveniences for workmen engaged on buildings.

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

91.—(1) Section 36 of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and that section shall with the necessary modifications apply accordingly. Closet accommodation in houses occupied by more than one family.

(2) The provisions of subsections (1) (2) and (3) of section 7 of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

92.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Combined drains.

A.D. 1929. Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

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

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

As to
houses
connected
with single
private
drain.

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

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

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

A.D. 1929.
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94.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Improper
construc-
tion or
repair of
water-
closet or
drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

95. If any person cause any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful
damage to
drains
water-
closets &c.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

96.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the

As to
defective
drains &c.

A.D. 1929. Council may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

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

Amendment
of section
62 of Public
Health Act
1875.

97. Section 62 of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer" were inserted therein after the words "the surveyor."

As to
repair of
drains.

98. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council and if the owner or owners thereof shall fail to repair the same to the satisfaction of the Council within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine :

Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if they think fit.

Saving for
railway
companies.

99. Nothing in this Part of this Act except the sections whereof the marginal notes are—

- " Adjustment of boundaries of streets " ;
- " Secondary means of access " ;
- " As to pavement lights " ;
- " As to forecourts " ;
- " Direction signs " ;
- " As to repair of hoardings " ;
- " As to erection of hoardings &c. at street corners " ;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by the said railway company primarily for railway purposes.

A.D. 1929.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

100.—(1) Any person being a parent or having the care or charge of a child attending a school in the district who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

Parents to
notify
infectious
disease.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purposes of this section the expression “school” shall include a Sunday school.

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

Power to
close
Sunday
schools and
exclude
children
from enter-
tainments.

A.D. 1929.

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

Restriction
on attend-
ance of
children
at Sunday
schools and
places of
assembly
when
infectious
disease
prevails.

102.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or of the education committee of the Council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the district without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Extended
meaning of
“infectious
disease”
for certain
purposes.

103.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression “infectious disease” includes measles german measles whooping cough chicken pox ringworm influenza mumps and scabies as well as infectious disease as defined by the section of this Act of which the marginal note is “Interpretation.”

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression “dangerous infectious disorder” includes infectious disease as defined by the section of this Act of which the marginal note is “Interpretation” and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

Council may
supply anti-
dotes against
infectious
disease.

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

105. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly. Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

A.D. 1929.

Persons
to furnish
names of
laundry-
men to
whom
clothes &c.
from
infected
houses are
sent.

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

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

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

(3) For the purposes of this section the expression “occupier” shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

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

As to
filthy
premises.

A.D. 1929.

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

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

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

Prohibition
on infected
person
carrying on
business.

109. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings.

Disinfection
in case of
tuberculosis.

110.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

A.D. 1929.
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(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by and at the cost of the Council under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by and at the cost of the Council under the superintendence of the medical officer.

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

(d) Every person who shall wilfully obstruct any person duly authorised by the Council in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

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

(3) If any person sustains any damage by reason of the exercise by the Council 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 compensation shall be made to such person by the Council and the

A.D. 1929. — amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Byelaws as
to water-
closets.

111. Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws for securing that waterclosets are so constructed and supplied with water that they can be adequately flushed by mechanical means and for securing their protection against frost and for the prevention of the improper use of such closets and of the blocking of the pipes therefrom.

Regulation
dustbins.

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

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

(3) Provided that the foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Council.

(5) The owner or occupier of all premises in connection with which a dustbin has been provided as required by this section shall if so required by the Council pay to the Council on each first day of April after such provision such sum not exceeding five shillings as the Council may from time to time by resolution determine for or towards the maintainance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin.

A.D. 1929.
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(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

113. The Council may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Byelaws
as to
stables.

114.—(1) Where the medical officer has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the district where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Council may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

As to
infected
stables and
other
places.

(2) If the order is not obeyed within the time thereby prescribed the Council at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

115.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and in the opinion of the Council

Discon-
tinuance of
offensive
trade.

A.D. 1929. — it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade. Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of this Act of which the marginal note is "As to appeal" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

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

(3) If the Council require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Council as may be agreed upon between the Council and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Council with reference to offensive trades.

Byelaws
as to
refuse.

116. The power of the Council to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid.

Provisions
as to tents
vans &c.

117.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public

Health (Buildings in Streets) Act 1888 to the district A.D. 1929.
be deemed to be a house or building within the meaning
of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be kept free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

118.—(1) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the district without the previous approval of the Council. Prohibition
of tents
vans &c.

(2) It shall not be lawful for any person without the previous consent of the Council to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Council.

(3) Any person aggrieved by the withholding by the Council of their approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Council appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(4) This section shall not apply to—

(a) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months; or

(b) any person dwelling in a tent or van or other similar structure who is a travelling roundabout proprietor travelling showman or travelling stallholder not being a pedlar or hawker.

A.D. 1929.
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(5) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Medical
practi-
tioners to
notify cases
of food
poisoning.

119.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name and address of such person.

(2) The Council shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Byelaws
as to
transport
of food.

120.—(1) The Council may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company of food the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

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

121.—Section 72 of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

A.D. 1929.

—
Extension
of powers
of section
72 of Public
Health Act
1925.

122.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Council may request such person to discontinue his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to
prohibit
persons
suffering
from
tuberculosis
from
handling
&c. food.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to discontinue his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Council to such person.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

123.—(1) Any premises used or proposed to be used—

Registra-
tion of
premises
used for
preparation
of potted
and

(a) for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale; or

A.D. 1929.

preserved
foods and
ice-cream.

(b) for the manufacture or sale of ice-cream ;
shall be registered by the owner or occupier thereof
with the Council from time to time and no premises
shall be used for the purposes aforesaid or any of them
unless the same are registered as aforesaid.

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

(3) Provided that the provisions of this section
shall have no application to any premises occupied as
a factory or workshop respecting which notice is required
by subsection (1) of section 127 of the Factory and
Workshop Act 1901 to be given and shall not in any
way affect the operation of that Act.

(4) In the case of meat or fish the word " preserved "
in subsection (1) of this section includes preparation
by any process of cooking but this section shall not
apply to hotels restaurants or other premises where
food is in the ordinary course of business prepared for
consumption on the premises.

As to in-
spection
of premises
used for
storage of
food.

124.—(1) On any inspection of any room carried
out by the medical officer sanitary inspector or any
other officer of the Council under the provisions of sub-
section (5) of section 72 of the Public Health Act 1925
such officer shall have power to take samples of any
such materials commodities or articles of food found
therein making reasonable payment therefor and if he
intends to submit any sample to analysis he shall
forthwith notify to the occupier of such room or his
agent his intention to have the same analysed by the
public analyst and shall divide the sample into three
parts to be then and there separated and each part to
be marked and sealed or fastened up in such manner
as its nature will permit and shall if required to do so
deliver one of the parts to such occupier or agent The
officer shall afterwards retain one of the said parts for
future comparison and submit the third part if he
deems it right to have the sample analysed to the public
analyst.

(2) The expression " public analyst " in this section
means the analyst appointed for the purposes of the Sale
of Food and Drugs Acts 1875 to 1907.

125. Every dealer in any article intended for the food of man (other than ice-cream or other similar commodity which forms the subject of the enactment contained in section 30 (Itinerant vendors to exhibit name of manufacturer of ice-cream &c. on barrow) of the County Council of Middlesex (General Powers) Act 1906) vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

A.D. 1929.

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As to street
vendors of
food.

126.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

Penalty on
original
vendor of
unsound
meat.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) is dealt with by a justice the medical officer or the sanitary inspector

A.D. 1929. shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Further
powers in
relation to
unsound
food.

127. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly :

Provided that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof.

Water
supply for
dwelling-
houses
to be
provided.

128. The owner of any dwelling-house or tenement in the district which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

Provided that the owner of any dwelling-house or tenement erected before the passing of this Act shall not be liable to the penalties provided by this section unless the Council shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house or tenement with a proper and sufficient water supply within such dwelling-house or tenement.

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

A.D. 1929.

Power to
close
slaughter-
houses if
injurious
to public
health.

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

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

(2) The Council shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Council under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house

A.D. 1929. which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

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

Byelaws
as to
lodging
houses.

130. Section 90 of the Public Health Act 1875 shall operate so as to empower the Council to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof:

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

Public
notice to
be given
of provi-
sions of
this Part of
Act.

131.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given after the passing of this Act by advertisement in two newspapers published or circulating in the district.

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

Further
saving for
railway
companies.

132. Nothing contained in the sections of this Act of which the marginal notes are "Byelaws as to waterclosets" and "Byelaws as to refuse" shall apply to any building or premises (other than a dwelling-house) belonging to a railway company and used by them primarily as railway premises.

PART V.

PARKS BATHS PUBLIC BUILDINGS &c.

Power to
provide and
let public
buildings
&c.

133.—(1) The Council may—

(a) Provide or acquire or may (subject to the approval of the Minister) on any lands of which for the time being they may be the owners or lessees or on lands to be acquired

A.D. 1929.
—

- by them for the purpose erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry on concert halls public halls pavilions band-stands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters ante-rooms refreshment rooms kitchens cloak rooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging or leased to the Council and may provide erect and maintain shops and offices as part of any such building or buildings;
- (b) For the purpose of erecting constructing providing and maintaining any such buildings as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands;
- (c) Agree (as part of the terms on which the Council may acquire or take on lease any existing buildings used at the time of such acquisition for any of the purposes aforesaid) to give to any existing members of or any subscribers to the funds of any company or society to which such buildings belong any special privileges upon such terms and conditions as may be agreed but no such special privileges shall be given to any person except for his life or a less period nor shall any such privileges be assignable or transferable to any other person;
- (d) Grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Council on such terms and conditions as they may think fit.

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(2) The restrictions contained in the proviso to section 56 of the Public Health Act 1925 shall extend and apply to any concert or other entertainment provided by the Council under the provisions of this section.

(3) The exercise of the powers of this section in relation to any lands belonging to or vested in the Council at the date of the passing of this Act or which will become vested in the Council on the appointed day and held by them for the purpose of public walks and pleasure grounds shall be subject to any covenant or condition affecting the use of such lands contained in any agreement entered into before the appointed day between the county council and the Council or (as regards any lands in the added area) between the county council and the rural council.

As to
baths and
bathing
pools.

134. Subject to the provisions of this Act—

- (1) The Council may construct on lands belonging to them and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered swimming and other baths and bathing pools with all necessary conveniences and appliances :
- (2) The Council may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Council may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make :
- (3) The Council may also lay down and provide such intake pipes apparatus and fittings as

may be incidental to or necessary for supplying water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street :

A.D. 1929.
—

Provided that the Council shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided also that seven days before entering upon breaking up or otherwise interfering with any street or road under the powers of this subsection the Council shall give notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said Commissioner of Police as may be reasonably necessary so as to cause as little interference with the traffic in such street or road during the construction of such works as may be reasonably practicable :

- (4) The Council may let on lease to any company or person for such term and on such conditions as they may think fit any baths or bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

135. The Council may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or regattas or for other similar purposes and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath open bathing place or bathing pool such sums for the exclusive use of such bathing place or pool or for admission of persons thereto as they may think fit.

Use of
swimming
baths &c.
for swim-
ming con-
tests &c.

A.D. 1929.

—
Power to
appoint
officers.

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

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

PART VI.

LANDS.

Further
powers for
acquisition
of lands.

137.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Council should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

(2) When any lands purchased or acquired or taken on lease by the Council under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate.

Retention
and dis-
posal of
lands.

138.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such

consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

A.D. 1929.
—

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Council in any case in which such consent would be required if this Act had not been passed.

(3) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

A.D. 1929.

Proceeds
of sale of
surplus
lands.

139.—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Council on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

PART VII.

STREET TRADING.

Licensing
of street
traders.

140. From and after the first day of April one thousand nine hundred and thirty it shall not be lawful for any person to sell or expose or offer for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the district without a licence from the Council authorising him so to do. Provided that this section shall not apply to any person selling or exposing or offering for sale any article or thing from or upon any barrow cart stall or other receptacle which he ordinarily moves from place to place in pursuit of and while conducting his trade.

Applica-
tions for
licences &c.

141.—(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 such application state his full name and address and the nature of the articles and things which he

intends to sell or expose or offer for sale under the authority of the licence if granted the place (if any) at which the articles or things will be stored by him before any sale or exposure or offer for sale and the street or streets or area in which he intends so to sell or expose or offer for sale In the case of any person intending to sell or expose or offer for sale as aforesaid any article or thing on or within one month after the first day of April one thousand nine hundred and thirty such application shall be made not later than the first day of March one thousand nine hundred and thirty. A.D. 1929.

(2) The Council shall as soon as reasonably practicable after the receipt of an application under the provisions of this section grant or renew a licence to the applicant under and for the purposes of this Part of this Act Provided that the Council may refuse to grant or renew a licence or may at any time revoke or vary a licence granted to any person if—

- (a) on account of misconduct or for any other sufficient reason he is in their opinion unsuitable to hold such licence; or
- (b) the space available in the street or streets or area to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of such licence insufficient for the selling or exposing or offering for sale by the applicant or licensee of any articles or things under the authority of a licence under this Part of this Act or of the particular articles or things referred to in the application or licence without causing undue interference with or inconvenience to the traffic in such street or streets or area; or
- (c) the street or streets to which the application relates is or are not a street or streets ordinarily prescribed by the Council in licences granted by them pursuant to this Part of this Act;

but shall not refuse to grant or renew a licence or revoke a licence on the ground only that the applicant for or holder of the licence does not reside in the district :

Provided also that the operation of this subsection shall be subject to the provisions of the section of this

A.D. 1929. Act of which the marginal note is "For preventing interference with traffic."

(3) Any such licence shall be in a form prescribed by the Secretary of State and may prescribe—

(a) the street or streets or area in which and the position or place in any such street or area at which the licensee may sell or expose or offer for sale articles or things as aforesaid;

(b) the class or classes of article or things which may be sold or exposed or offered for sale under such licence Provided that no article of food shall be classed with any other commodity;

(c) the day or days and the time or times on and at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid; and

(d) the number of barrows carts stalls or other receptacles which may be used for those purposes under the authority of the licence;

and on any occasion of the renewal of a licence the Council may vary such prescriptions.

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

For preventing
interference with
traffic.

142.—(1) Where it appears to the Secretary of State after consultation with the Council that the presence of persons licensed under this Part of this Act causes or is calculated to cause undue interference with or inconvenience to traffic in any street or part of a street in the district he may by order prohibit the selling or exposing or offering for sale by persons licensed or thereafter to be licensed under this Part

of this Act of any article or thing in any such street or part of a street except in such numbers and under such conditions if any as may be prescribed in the order. A.D. 1929.

(2) Where the Secretary of State proposes to make an order under this section he shall cause notice of the proposal to be published in at least one newspaper circulating within the district and shall also cause a copy of such notice to be posted for not less than fourteen consecutive days in some conspicuous position in the street or part of a street to which the proposal relates and every such notice shall (a) specify the street or part of the street to which the proposal relates and (b) notify the date (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the Secretary of State.

(3) Before carrying into effect any proposal of which notice is required by this section to be given the Secretary of State shall consider any objection to the proposal which is sent to him in writing within the time fixed in that behalf and shall if necessary cause a public local inquiry to be held. Provided that where more than twenty persons affected by the proposal have duly presented objections thereto and have not withdrawn the same the Secretary of State shall before making the order cause a public local inquiry to be held with reference to the proposal.

(4) A person appointed by the Secretary of State to hold a public local inquiry under the provisions of this section shall for the purposes of the inquiry have in relation to witnesses and their examination the production of papers and accounts and the inspection of places and matters required to be inspected similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.

(5) Where any such order as aforesaid is made and is in force no licence shall be granted or renewed under this Part of this Act contrary to the order and any such licence to the extent to which it contravenes the order shall be inoperative. Provided that any such order shall not affect the operation of any licence in force at the date on which the order comes into force.

A.D. 1929.
—

(6) Any refusal of the Council to grant or renew a licence in pursuance of the provisions of the preceding subsection shall not be a ground for an appeal under subsection (2) of the section of this Act of which the marginal note is "Appeals against refusal or revocation of licences."

(7) The reasonable costs incurred by the Secretary of State in relation to any such public local inquiry (including the remuneration of any person employed by him for the purpose of the inquiry) shall be paid by the Council and the Secretary of State may certify the amount of the costs incurred and any sums so certified shall be a debt due to the Crown from the Council.

Fees on
licences.

143. Any person making application for the grant or renewal of a licence under this Part of this Act shall when making the same pay to the Council in respect of such application a fee of five shillings.

Duration
of licences.

144. Every licence granted or renewed under this Part of this Act shall unless revoked be valid for a period of one year or in the case of any 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 for a period expiring on the thirty-first day of March next after the date of such grant or renewal :

Provided that every such licence granted before the thirty-first day of March one thousand nine hundred and thirty shall unless revoked be valid until the thirty-first day of March one thousand nine hundred and thirty-one or the date of any annual meeting held by the Council in the year one thousand nine hundred and thirty-one for the purpose of considering applications under this Part of this Act (whichever of those dates shall be the earlier).

Appeals
against
refusal or
revocation
of licences.

145.—(1) If the Council refuse to grant or renew a licence or revoke or vary a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) deliver to him within seven days of the receipt of such requirement particulars in writing

of the ground or grounds for such refusal revocation or variation. A.D. 1929.

(2) Any person aggrieved by such refusal revocation or variation or by any prescription made by the Council under subsection (3) of the section of this Act of which the marginal note is "Applications for licences &c." may appeal to a petty sessional court provided that such appeal is made within fourteen days from the date on which such refusal revocation variation or prescription is notified to him and that notice in writing of such appeal is sent to the Council not less than seven days before the hearing thereof and the court may make such order as it thinks fit and may award costs.

146.—(1) The Council shall in conformity with draft byelaws to be framed by the Secretary of State and so soon as may be practicable after the framing thereof make byelaws relating to the following matters (that is to say):—

Byelaws
as to
trading
under
licences.

- (a) the days on which and the times during which articles or things may be sold or exposed or offered for sale under the authority of a licence granted or renewed under this Part of this Act;
- (b) the deposit and removal of refuse including the charges which may be made for removal or other services rendered by the Council;
- (c) the allocation maximum dimensions and arrangement of barrows carts stalls and other receptacles;
- (d) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles intended to be sold or exposed or offered for sale under the authority of the licence;
- (e) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority;
- (f) penalties for the breach of any such byelaws:

Provided that the Council may in making such byelaws make such modifications (if any) in the said draft byelaws as the Secretary of State may allow to meet the special circumstances existing in the district:

A.D. 1929.

Provided also that before framing any such draft byelaw as aforesaid relating to the storage and sanitary supervision of articles of food or confirming any byelaw containing any modification of a draft byelaw relating to such matters the Secretary of State shall consult the Minister.

(2) Before any byelaws made by the Council under this section are confirmed by the Secretary of State the Council shall take such steps as may be prescribed in rules to be made by the Secretary of State for affording to any recognised organisation representative of street traders and to any street trader affected by such byelaws and not being a member of any such organisation an opportunity to make representations with regard thereto.

Power to
Council to
make
charges for
certain
services.

147. The Council may make and recover from persons licensed by them under the provisions of this Part of this Act charges for the removal of refuse or other services rendered by them not exceeding the amounts prescribed by byelaws made under this Part of this Act.

Power to
licensees
to employ
other
persons.

148. Any person holding a licence under this Part of this Act may employ any other person to assist him in the conduct of his business without any further licence under this Part of this Act being required.

Penalties
for offences
in respect
of trading
required
to be
licensed.

149.—(1) Every person who or whose assistant after the first day of April one thousand nine hundred and thirty without a licence under this Part of this Act authorising him so to do or contrary to any prescription of such licence sells or exposes or offers for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the district or obtains a licence or the renewal of a licence by wilful misrepresentation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Provided that a person who has appealed to a petty sessional court (except against a refusal to grant a new licence) in accordance with the provisions of the section of this Act of which the marginal note is "Appeals against refusal or revocation of licences" or to a court

of quarter sessions in accordance with the section of this Act of which the marginal note is "As to appeal" shall not be liable to any proceedings under this section for the offence of selling or exposing or offering for sale in the street or streets or area specified in his application any article or thing as aforesaid without a licence until such appeal has been heard and determined or has been abandoned.

A.D. 1929.

150. Nothing in this Part of this Act shall restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence.

Saving for holders of pedlars' certificates and hawkers' licences.

151. Nothing in this Part of this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924 or of any enactment relating to obstruction of traffic in highways.

Saving for London Traffic Act 1924 and other enactments.

152. In the case of any market or fair held in pursuance of any statute Royal Licence Royal Charter or Letters Patent or as of right from time immemorial nothing in this Part of this Act shall affect the sale or exposure for sale by any person who has paid a toll to or shall be acting under the written authority of a person holding or entitled to hold such market or fair or to receive tolls in respect of sales made or stalls or stands occupied in such market or fair of goods in any such market or fair or the rights lawfully exerciseable by any person in respect of any market or fair held in any place within seven miles of the boundary of the district.

Saving for legal markets.

PART VIII.

FINANCIAL.

153.—(1) The Council may from time to time independently of and in addition to any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Council and they shall pay off all

Power to borrow.

A.D. 1929. moneys so borrowed within the respective periods mentioned in the third column of the said table which shall be deemed to be the prescribed periods for the purposes of the enactments applied by this Act (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For the purpose of making any payment to the county council or to any other authority under Part II of this Act or under any enactment the provisions of which are applied thereby.	The sum requisite.	Forty - five years from the date or dates of borrowing.
(b) For the purpose of making any payment under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."	The sum requisite.	Twenty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of obtaining this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

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

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

(3) The provisions of this section shall not limit the powers conferred upon the Council by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Acts not to apply.

154. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing

for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts. A.D. 1929. —

155. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. Mode of raising money.

156. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" sections 236 237 and 238 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act. Provisions of Public Health Act 1875 as to mortgages to apply.

157. All moneys borrowed by the Council under any statutory borrowing power shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be applied in repayment of moneys borrowed or be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Minister determine. Application of moneys borrowed.

158. The Council shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register. Council not to regard trusts.

159. A person lending any moneys to the Council shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to Protection of lender from inquiry.

A.D. 1929. — see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Mode of
payment
off of
money
borrowed.

160. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking
fund.

161.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed or maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund. A.D. 1929.
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(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the payment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

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(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

(12) All moneys which at the date of the passing of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Power to
re-borrow.

162.—(1) The Council shall have power—

- (a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys. A.D. 1929.
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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

163. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Council under those Acts. As to section 234 of Public Health Act 1875.

164. Subject to any priority existing at the passing of this Act all stock of and loans to the Council and the dividends and interest thereon shall be charged indifferently on all the revenues of the Council and shall rank equally one with the other without any priority whatsoever. All stock and loans to rank equally.

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Power to
use one
form of
mortgage
for all
purposes.

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

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(6) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the First Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever. A.D. 1929.
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(8) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

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

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

166.—(1) In addition to any other form of borrowing the Council may borrow any sums which they have power to borrow under this Act or any other Act or Order by the issue of bonds to be called "Council bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to borrow by issue of bonds.

(2) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

(3) All bonds issued under this section shall rank equally without any priority or preference by reason of

A.D. 1929. — any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Council.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Consoli-
dated loans
fund.

167.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty the Council may (if they think fit) establish a fund to be called “ the consolidated loans fund ” to which shall be paid as and when they are received—

- (a) All moneys borrowed by the Council whether by the issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) All moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose;
- (c) The appropriate sums provided in every year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and
- (d) A sum or sums equal to the aggregate amount of all dividends and interest payable in every year on stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all

moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

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(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

- (a) in the redemption of stock or any other securities issued by the Council the purchase of stock for extinction or the repayment of any moneys borrowed by the Council;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council; and
- (c) in the payment of dividends and interest on the stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) Save as in this section expressly provided all the obligations of the Council to the holders of stock or other securities of the Council shall continue in force.

(4) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

168.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend

Scheme for
equated
periods.

A.D. 1929. — or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at the time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Council may with the sanction of the Minister and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

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

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

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Power to
invest all
reserve
funds &c. in
statutory
securities.

170. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund or loans fund or a reserve renewals repairs depreciation contingent insurance or other similar fund the appropriate yearly sums and the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Council and the sums authorised to be paid into any such reserve renewals repairs depreciation contingent insurance or other fund and the accumulations thereof (if any) required to be set apart for or paid into or retained in such fund shall be paid and provided out of the general rate fund and general rate and all interest on and annual proceeds arising from the investments of the said yearly sums and the accumulations thereof (including such sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and shall form part of the general rate fund.

Payments
into sinking
fund and
other funds.

171. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of
moneys
forming
part of
sinking
and other
funds.

- (1) The moneys so used shall be repaid to the lending fund within the periods by the methods and out of the fund rate or revenue within by

A.D. 1929.
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and out of which a loan raised under the statutory borrowing powers would be repayable :

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Evidence
of transfer
or trans-
mission of
securities.

172. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof

for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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

Receipt in case of persons not sui juris.

174. The Council may close any transfer books or the registers of transfers of mortgages or other securities of the Council as the case may be on any day in the month next before that in which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

Closing of registers.

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

Interest on mortgages held jointly.

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

Appointment of receiver.

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

177.—(1) The clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

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

A.D. 1929. — shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by 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 purpose 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.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Recovery
of rate
from
persons
removing.

178. If a justice is satisfied on complaint by any rate collector of the Council that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the district the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such persons until the complaint is determined upon the return of the summons.

179.—(1) The Council may if they think fit establish a fund to be called “the insurance fund” with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Council may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say) :—

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Insurance
fund.

- (i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Council;
- (ii) Risk of accident and claims by third parties in respect of scavenging vehicles motor cars and motor transport and horse-drawn vehicles and generally in the carrying out by the Council of their duties as a local authority;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Council or to third parties;
- (v) Risks of injury to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Council;
- (vi) Risks of mechanical or electrical breakdown at or in connection with any works or plant of the Council;
- (vii) Risks of loss due to infidelity of officials of the Council;
- (viii) Any other risks against which in the absence of such an insurance fund the Council would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

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(3) In each year after the establishment of the 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 in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) If the Council partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the insurance fund shall amount to one hundred and 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 one hundred and 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 one hundred and fifty thousand pounds.

(5) The Council shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular department of the Council which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall (subject to the provisions

of this Act) be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds. A.D. 1929.

(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 risks insured under paragraph (iv) of subsection (1) of this section risks of accident to any teacher employed in any such school college institute or hostel.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister 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. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Council under the separate headings or divisions in respect of such departments of the Council and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

180.—(1) The Council may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the “renewal and repairs fund” any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Council in connection with the provision of horses carts mechanically propelled vehicles stables depôts boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year. Renewal and repairs fund.

A.D. 1929.

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(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed an amount equal to one-half part of the cost referred to in subsection (1) of this section.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works and equipment referred to in subsection (1) of this section and the repair of carts mechanically propelled vehicles stables dépôts boilers apparatus and equipment and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect to such expenses.

Subscrip-
tions to
local
government
associations
and other
expenses.

181. The Council may pay out of the general rate fund and general rate—

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Council not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) The reasonable expenses of the Council in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.

Expenses of
execution
of Act.

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

PART IX.

A.D. 1929.

MISCELLANEOUS.

183.—(1) Subject to the provisions of this section the Council may accept hold and administer any gift of property whether real or personal for any public purpose connected with the district and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Council are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend moneys so raised in the execution of such works in relation to the subject matter of the trust.

Acceptance
of gifts of
property.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Act of 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Council under this section shall be kept by the chief accounting officer of the Council and shall be made up and audited as part of the general accounts of the Council.

184.—(1) The Council may erect and maintain on any open space or public place on or adjoining any highway in the district such weigh-bridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

Power to
erect
weigh-
bridges.

(2) The Council may make such reasonable charges as they may determine for and in respect of the use of any such weigh-bridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weigh-bridges or weighing machines erected by the Council under the provisions of this section.

(4) The Council shall not erect or allow the use of any such weigh-bridge weighing machine or offices so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

A.D. 1929.

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Power to
grant
allowances
or gratuities
in certain
cases.

185.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 or the Teachers (Superannuation) Acts 1918 to 1925 or any other Act for the time being in force relating to the superannuation of teachers and not entitled to benefits under a scheme established under the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the Teachers (Superannuation) Acts 1918 to 1925 or any Act amending the same and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Council as the local education authority for the district or permanently and exclusively employed in any public elementary school in the district whether provided by the Council as the local education authority or not so provided.

Penalty
for crying
news-
papers.

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

Penalty on
occupiers
refusing
execution
of Act.

187. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under Part III (Streets buildings sewers and drains) or Part IV (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder

then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

A.D. 1929.

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

Power of
entry.

189. The provisions of 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 authorised to be made by the Council under the powers of this Act. Provided that as respects byelaws made under Part VII (Street trading) of this Act the Secretary of State shall be substituted for the Minister of Health.

General
provisions
as to bye-
laws.

190. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be *primâ facie* evidence of such appointment

Evidence
of appoint-
ments
authority
&c.

A.D. 1929. authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Appoint-
ment of
deputies of
certain
officers.

191. The Council may from time to time appoint fit and proper persons to be deputy clerk deputy treasurer deputy medical officer of health and deputy surveyor of the district respectively during their pleasure and all things required or authorised by law to be done by or to the clerk treasurer medical officer or the surveyor may (in their absence or illness or during any vacancy in their appointments) be done by or to the deputy clerk deputy treasurer deputy medical officer of health and the deputy surveyor so appointed respectively.

As to
breach of
conditions
of consent
of Council.

192. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Apportion-
ment of
expenses in
case of
joint
owners.

193. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

In executing
works in
default of
owner or
occupier no
liability for
damages to
be incurred
except in
case of
negligence.

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

respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

A.D. 1929.
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195. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Damages
and charges
to be
settled by
court.

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

Recovery
of demands.

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

As to
appeal.

198. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several
sums in
one sum-
mons.

A.D. 1929.

Informa-
tions by
whom to
be laid.

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

Authenti-
cation and
service of
notices.

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

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

Consents of
Council to
be in
writing.

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

Recovery of
penalties
&c.

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

Penalties
to be paid
over to
treasurer.

203. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid

to the treasurer and be by him carried to the credit of the general rate fund or to such other fund as the Council shall direct. A.D. 1929.
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204. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts. Compensation how to be determined.

205. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. Powers of Act cumulative.

206. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889. Application of Arbitration Act 1889.

207. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictment &c.

208.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consent under this Act and the inspectors of the Ministry of Health shall for the Inquiries by Minister of Health.

A.D. 1929. — purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Council shall pay to the Minister any expenses incurred by the Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.

Application of
section 265 of
Public Health
Act 1875.

209. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Judges not
disqualified.

210. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other Act or Order from time to time in force within the district by reason of his being liable to any rate.

Crown
rights.

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

Costs of
Act.

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

The SCHEDULES referred to in the
foregoing Act.

A.D. 1929.

FIRST SCHEDULE.

FORM OF MORTGAGE.

URBAN DISTRICT OF HENDON.

By virtue of the Hendon Urban District Council Act 1929 and of other their powers in that behalf them enabling the urban district council of Hendon (hereinafter referred to as "the Council") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the Council by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Council [(subject as hereinafter provided) on the day of nineteen hundred and or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Council to the mortgagee or by the mortgagee to the Council] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the clerk

A.D. 1929. — to the Council for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of nineteen hundred and

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this day of nineteen
hundred and

FORM OF TRANSFER OF MORTGAGE.

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

Dated this day of nineteen
hundred and

SECOND SCHEDULE.

A.D. 1929.

PROVISIONS WITH REGARD TO COUNCIL BONDS.

1. Bonds shall be secured on the revenues of the Council and any moneys borrowed by means of bonds shall be principal moneys.

2. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Council may determine.

3. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Council.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Council on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the treasurer to the Council on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

5.—(1) The treasurer to the Council shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided.

(b) The date of registration of each holder and the date on which he ceased to be so registered.

A.D. 1929.

(3) The register shall be *prima facie* evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the person entered therein as holders of bonds.

6.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Council on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

URBAN DISTRICT OF HENDON.

HENDON COUNCIL BONDS.

.....per centum Hendon Council bond repayable at
par..... 19... at the

This is to certify that.....of
.....is the registered
holder of a Council bond forpounds (£.....) issued
by the urban district council of Hendon under the Hendon
Urban District Council Act 1929 at.....

(Signed).....

Accountant to the Council.

Date:.....

7. The certificate shall be *prima facie* evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.

8.—(1) The transfer of a Council bond shall be by deed in the following form or in a form substantially to the like effect :— A.D. 1929.

FORM OF DEED OF TRANSFER.

HENDON COUNCIL BONDS.

I in consideration of the sum of..... paid by.....
.....(hereinafter called "the transferee") do hereby assign and transfer to the said transferee :—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the said transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid.

As witness our hands and seals this.....day of.....in the year of our Lord one thousand nine hundred and.....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Council.

(3) The deed of transfer shall be delivered to and retained by the Council and the Council shall enter a note thereof in a book to be called the "Register of transfers of Hendon Council bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Council shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Council as aforesaid the Council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Council before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

A.D. 1929.
—

9. The Council may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September in any year respectively and notwithstanding the receipt by the Council during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

10.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Council may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Council shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Council the Council shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

11.—(1) Unless the owner of a^o bond otherwise requests the Council may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Council of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Council be equivalent to the delivery of the warrant to the holder himself.

12. The Council shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Council for registration.

13. The Council before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

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

15. No notice of any trust shall be entered in the register or in any other book kept by the Council or be receivable by the Council.

16.—(1) If at any time interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit. A.D. 1929.
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(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Council or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes of this Act.

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