



CHAPTER liii.

An Act to confer further powers upon the rural district council of Rotherham for the regulation and control of the development of building estates and the laying out of new streets and in regard to buildings sewers and drains and for other purposes. A.D. 1931.

[8th July 1931.]

WHEREAS the rural district of Rotherham in the west riding of the county of York (in this Act referred to as "the district") is under the jurisdiction of the rural district council of Rotherham (in this Act referred to as "the Council") and comprises seventeen parishes in some of which extensive building developments are proceeding for the control of which the existing powers of the Council under the Public Health Acts are insufficient :

And whereas it is expedient to make further and better provision with regard to the development of building estates the laying out of new streets the construction of buildings sewers and drains and for the improvement of the district :

And whereas it is expedient to authorise the making of town planning schemes as regards land in the district which is wholly or partly developed :

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

A.D. 1931. — Acts 1872 and 1903 as amended and applied by section 55 of the Local Government Act 1929 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 Rotherham Rural District Council Act 1931.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—
Part I.—Preliminary.

Part II.—Town planning.

Part III.—Streets and buildings.

Part IV.—Sewers drains and sanitary provisions.

Part V.—Finance.

Part VI.—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.

Interpretation. 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.

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

“The district” means the rural district of Rotherham;

“The Council” means the rural district council A.D. 1931.
of Rotherham; —

“The clerk” “the treasurer” and “the surveyor”
mean respectively the clerk (or one of the
clerks) the treasurer and the surveyor of the
Council and respectively include any person
duly authorised to discharge temporarily the
duties of those officers;

“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;

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

“Statutory borrowing power” means any power
whether or not coupled with a duty of borrowing
or continuing on loan or reborrowing 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 con-
firmed 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

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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 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.

TOWN PLANNING.

Power to make town planning schemes with reference to developed lands.

5. Subject to the provisions of this Act the Council may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the district notwithstanding that the land or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Purposes for which land may be purchased for town planning schemes under this Part of Act.

6. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include—

- (a) the purpose of improving and developing frontages to and developing lands abutting on or adjacent to any new street or any widening of an existing street; and
- (b) the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Council that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement.

7.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Town Planning Act 1925 authorising the Council to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory of which the Council have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Council allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Council have compulsory powers of purchase) can be so severed.

(2) If the arbitrator determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Council the portion so determined to be severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the arbitrator.

(3) If the arbitrator determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters

A.D. 1931.

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As to
properties
of which
parts only
are required
for town
planning
schemes.

A.D. 1931, under this section shall be borne and paid by such owner or other person.

(4) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey a portion of any premises.

Amendment
of restric-
tions on
acquisition
of land.

8. In its application to any town planning scheme under the Town Planning Act 1925 made by the Council or in respect of which the Council are the responsible authority in relation to land in the district required for the construction or improvement of any road paragraph 2 of Part II of the Third Schedule to the Town Planning Act 1925 shall be read and have effect as if the words "on the first day of November one thousand nine hundred and thirty formed" were inserted therein instead of the words "at the date of the order authorising the compulsory acquisition of the land forms" and as if the words "on such date was" were inserted therein instead of the word "is" where that word secondly appears.

Limitation
on require-
ments under
scheme.

9.—(1) No provisions in any town planning scheme made under this Part of this Act prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of

buildings within the meaning of subsection (2) of section 11 of the Town Planning Act 1925 shall operate so as— A.D. 1931.
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- (a) to require the demolition removal or alteration of any building existing at the date of the passing of the resolution of the Council to prepare or adopt the scheme or of which the erection was commenced before that date; or
- (b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose;

unless and until the scheme is brought into operation for that purpose by an order of the Council approved by the Minister of Health and where an order is so made the provisions of subsection (2) of section 11 of the Town Planning Act 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Minister of Health for approval of an order under this section the Council shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners may make to them within such period (not being less than one month) as may be specified for that purpose in the order and may make such modifications in the order as they think necessary in consequence of any such representations.

(4) Upon the submission of the order (with or without modification) to the Minister of Health the Council shall serve on the said owner or owners a copy of the order as so submitted together with a notice

A.D. 1931. that objections may be made to the Minister of Health within a period of one month from the date of service of the copy of the order and notice.

Registration of ownership of land and service of notices.

10. Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under this Part of this Act relates may register his name and address with the Council and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made by the Minister of Health under the Town Planning Act 1925 or any Act repealed thereby to be given by the Council in connection with the preparation of the said scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Council to serve a copy of any of such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company :

Provided that in any notice advertised by the Council pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid or of the approval by the Minister of Health of any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

Definition of "owner" for certain purposes.

11. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of ownership of land and service of notices" the word "owner" has the same meaning as in the Lands Clauses Acts.

PART III.

STREETS AND BUILDINGS.

Development scheme may be required in connection with new streets.

12.—(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. A.D. 1931.

(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.

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(6) Before approving any plans sections and particulars submitted to the Council under subsection (1) of this section or any proposed alteration of such plans sections and particulars under subsection (3) of this section in any case in which any such development or laying out as is referred to in this section affects any county road the Council shall consult the county council of the west riding of Yorkshire.

Adjust-
ment of
boundaries
of estates.

13.—(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 byelaws of the Council with respect to 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 of Health 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 Provided also that the Council shall not be entitled under the powers of this section to require the adjustment or alteration of the boundaries of any estate or lands the mines and minerals under which are the property of the owner of the surface except upon the condition that the mines and minerals as well as the surface of the lands are included in the exchange contemplated by this section.

(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 of boundaries 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. A.D. 1931.

(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 of Health 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.

14.—(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 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

A.D. 1931. — 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 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 the prescription of such building line.

(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.

No building
allowed
until street
defined.

15.—(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. A.D. 1931.

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

16.—(1) Upon the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved before the passing of this Act but the erection of the building has not been begun at any time before such commencement) the Council may by notice in writing require the provision before the building is erected sold let or occupied (as the Council shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws for the time being in force with respect to new streets. Means of access to buildings.

(2) If it appears to the Council to be necessary that the means of communication to be provided under this section shall be in the form of a street the Council may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws in force with respect to the construction of new streets.

(3) The Council may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section.

(4) Where notice of a requirement under this section has been given by the Council a person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the

A.D. 1931. Council has been complied with or until security has been given to the satisfaction of the Council that the notice will be complied with.

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

(6) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the 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.

(7) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Council under this section.

Secondary means of access.

17. The power of the Council to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses (being terraces or continuous blocks comprising not less than five separate houses) not giving access through their own grounds to the backs of such houses to make and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

Prohibition on use of unsuitable land for erection of dwelling-houses.

18.—(1) The Council may by order prohibit or restrict the erection of buildings intended or adapted for use as dwelling-houses on any land within the district which—

- (a) is liable to flooding; or
- (b) is unsuitable for buildings of that class by reason of the nature of the subsoil.

(2) Before any order made under this section shall come into force the Council shall submit the same to the Minister of Health for his approval and shall give notice of the proposals of the order by advertisement in a local newspaper circulating in the district and in the London Gazette and in such other manner (if any) as

the said Minister may direct The said notice shall name a place where copies of the order can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the order may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the clerk.

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(3) The Minister of Health shall consider any order submitted to him by the Council and any representations thereon which may be duly made and may approve the order submitted to him with or without modifications or may disapprove the same.

(4) Before approving any order the Minister of Health may and if any representation is duly made and is not withdrawn shall (unless the representation appears to to him to be frivolous) direct a local inquiry to be held under the provisions of this Act.

(5) The Council shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed order by advertisement in a local newspaper circulating in the district and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The order shall take effect as approved by the Minister of Health and shall come into force on a date to be fixed by him.

(7) The Council shall cause notice to be given of any order made under this section by advertisement in a newspaper circulating in the district and otherwise in such manner as may be prescribed by the Minister of Health.

(8) Any person who shall fail to comply with an order of the Council which has been approved with or without modification by the Minister of Health shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

19.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application to the district of section 3 of the Public Health (Buildings in Streets) Act 1888 be

Provisions as to tents vans &c.

A.D. 1931. — 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.

Prohibition
of tents
vans &c.

20.—(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.

(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 or van which is used as a sole means of habitation by a gipsy and which is not used in the district for more than three months in any year ending on the thirty-first day of December; or

(b) 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 A.D. 1931.

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

(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.

21. Nothing in this Part of this Act except the sections of which the marginal notes are :— Saving for railway companies.

- “ Means of access to buildings ” ;
- “ Secondary means of access ” ;
- “ Prohibition on use of unsuitable land for erection of dwelling-houses ” ;
- “ Provisions as to tents vans &c. ” ;
- “ Prohibition of tents vans &c. ” ;

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.

PART IV.

SEWERS DRAINS AND SANITARY PROVISIONS.

22.—(1) The Council may from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only. Separate sewers for sewage and surface water.

(2) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface

A.D. 1931. or storm water shall be allowed to pass into the sewage sewers.

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

(4) In the case of any house or premises existing at the time of the provision or appropriation of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient effectually to drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

Combined drains.

23.—(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 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.

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24.—(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 or premises 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.

As to houses connected with single private drain.

(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.

25.—(1) Any person who (without the consent of the Council) shall commence to erect any new building intended or adapted for use as a dwelling-house any part of which is within sixty feet from a cesspool constructed or made on land of which he is the owner or lessee shall be liable to a penalty not exceeding five

Prescribing distance between cesspools and dwelling-houses.

A.D. 1931. pounds and to a daily penalty not exceeding forty shillings.

(2) (a) Any person deeming himself aggrieved by the withholding of the consent of the Council under this section may within fourteen days from the date when notification of the withholding of such consent is received by him appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and in 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.

Regulation
dustbins.

26.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop in any part of the district in which they may for the time being have undertaken or contracted for the removal of house refuse from premises 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) 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. A.D. 1931.

27.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of the Public Health Acts and in the opinion of the Council 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. Discontinu-
ance of
offensive
trade.

(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.

A.D. 1931.
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Further
saving for
railway
companies.

28. Nothing in the sections of this Act of which the marginal notes are "Combined drains" and "As to houses connected with single private drain" shall extend or apply to or in respect of any building or premises (not being a dwelling-house) belonging to a railway company and used by them primarily for railway purposes.

PART V.

FINANCE.

Power to
borrow.

29.—(1) The Council may from time to time independently of and in addition to any other borrowing power borrow at interest for the purpose of paying the costs charges and expenses of obtaining this Act as hereinafter defined such sum as may be requisite and in order to secure the repayment of the said sum and the payment of interest thereon they may mortgage or charge the revenues of the Council and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act which period is in this Act referred to as "the prescribed period."

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

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

Mode of
raising
money.

30. The Council may raise all or any moneys which they are authorised to borrow or re-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 section 15 of that Act. A.D. 1931.

31. Sections 236 237 238 and 239 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.

32. 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. Application of moneys borrowed.

33. 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 one year or when the money is repaid by half-yearly instalments within six months of the date of borrowing. Mode of payment off of money borrowed.

34.—(1) If the Council determine to repay by means of a sinking fund any money borrowed by virtue of this Act such sinking fund shall subject to the provisions of the section of this Act whereof the marginal note is “Mode of payment off of money borrowed” be formed and maintained either -- Sinking fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the sum 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 and a half per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the sum for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called “an accumulating sinking fund.”

A.D. 1931.

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

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

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

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

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

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

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to

repay within the prescribed period the sum for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Minister of Health that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

A.D. 1931.

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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 of Health be more than sufficient to repay within the prescribed period the sum for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the sum for the repayment of which the sinking fund is formed.

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

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

35. 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

Payments
into sinking
fund and
other funds.

A.D. 1931.

— sinking fund or loans fund or a reserve renewals repairs depreciation contingent 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 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.

Power to
use sinking
fund instead
of borrow-
ing.

36.—(1) Where the Council are authorised by any statutory borrowing power to raise money they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of moneys borrowed by the Council Provided that the Council shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on mortgage and shown by the mortgage to have been raised in exercise of a particular borrowing power Provided also that when exercising the powers of this section the Council shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

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(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Council shall determine. Provided that the amount of the moneys deemed to be discharged in respect of any borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

37.—(1) The Council shall have power—

Power to re-borrow.

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

(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

A.D 1931. 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.

Use of
moneys
forming
part of
reserve and
other funds.

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

- (1) The moneys so used shall be repaid to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power 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 decide repay the same at any time within the period aforesaid:

- (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 : A.D. 1931.

- (3) Any repayment made or interest paid shall be treated in the accounts of the Council as if it were the repayment of or the payment of interest on a loan raised under the statutory borrowing power :
- (4) 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 the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

39. Where more persons than one are registered as joint holders of any security 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 by any other of them. Interest on securities held jointly.

40. If any moneys are payable to a mortgagee or holder of any security 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.

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

42.—(1) The clerk shall if and when he is requested by the Minister of Health 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.

A.D. 1931.
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(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 and 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 purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Protection
of lender
from
inquiry.

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

Council not
to regard
trusts.

44. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall

be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. A.D. 1931.
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45. All expenses incurred by the Council in carrying into effect 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. Expenses of execution of Act.

PART VI.

MISCELLANEOUS.

46.—(1) If at any time the Council having regard to the amenity of any part of the district are of opinion that any growing tree of a height of more than thirty feet or having a girth of more than three feet at a height of five feet above the ground or any group of such trees ought to be preserved the Council may register the tree or group of trees and shall thereupon notify the owner and occupier of the land upon which the tree or group of trees is growing that the tree or group of trees has been registered and the register of trees so made shall be open to inspection by persons interested at all reasonable times. Preserva-
tion of trees.

(2) No person shall cut down lop top or wilfully destroy any tree registered by the Council under this section except—

- (a) in pursuance of the provisions of section 65 of the Highway Act 1835 section 5 of the Telegraph (Construction) Act 1908 section 23 of the Public Health Act 1925 or section 34 of the Electricity (Supply) Act 1926; or
- (b) where the tree has become dangerous; or
- (c) to such an extent as may be necessary to prevent its constituting a nuisance to the owner or occupier of neighbouring lands; or
- (d) to such an extent as may be necessary in pursuance of a right to abate a nuisance; or

A.D. 1931.

- (e) where necessary to enable any road improvement to be carried out by the county council of the west riding of Yorkshire; or
- (f) with the consent of the Council; or
- (g) under an order of a court of summary jurisdiction under subsection (3) of this section:

Provided that if the Council do not notify their refusal to consent to the cutting down lopping topping or destruction of any registered tree within one month from the date of an application for consent their consent shall be deemed to have been given.

(3) Any owner or occupier of the land upon which a tree or group of trees is growing who is aggrieved by the refusal of the Council to consent to the cutting down lopping topping or destruction of any registered tree may appeal to a court of summary jurisdiction and the court may if they think just make an order authorising the cutting down lopping topping or destruction of the tree but any such order shall not affect any rights as between the owner and occupier of such land.

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

(5) The provisions of this section shall not extend to any trees situate upon an estate for the purposes of the management of the timber on which for the time being a trained forestry staff is employed and proper methods of forestry are in operation.

(6) Nothing in this section shall apply to any tree or group of trees growing upon land used or held by a railway company for railway purposes or prejudice or affect the powers conferred upon justices by section 24 of the Regulation of Railways Act 1868.

(7) The Council shall make compensation to the owner of the land upon which any registered tree is growing who shall be injuriously affected by the refusal of the Council to consent to the cutting down lopping topping or destruction of any registered tree such compensation in case of difference to be settled in the manner provided by the Public Health Act 1875.

47. 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 and buildings) or Part IV (Sewers drains 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. 1931.
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 Penalty on occupiers refusing execution of Act.

48. 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 and buildings) or Part IV (Sewers drains and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power of entry.

49. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by a rural sanitary authority shall apply to byelaws authorised to be made by the Council under the powers of this Act.

General provisions as to byelaws.

50. 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

Evidence of appointments authority &c.

A.D. 1931. — of the Council or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach of conditions of consent of Council.

51. 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.

Apportionment of expenses in case of joint owners.

52. 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.

Damages and charges to be settled by court.

53. 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.

Recovery of demands.

54. 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.

As to appeal.

55. 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 or IV 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. A.D. 1931.
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56. 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 summons.

57. 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. Informations by whom to be laid.

58.—(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. Authentication and service of notices &c.

(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.

A.D. 1931.

Consents of Council to be in writing.

59. All consents given by the Council under the provisions of this Act or of any local Act Order or 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.

60. 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.

61. 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.

Compensation how to be determined.

62. 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.

Powers of Act cumulative.

63. 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.

64. 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. A.D. 1931.
Application of Arbitration Act 1889.

65. 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 indictments &c.

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

(2) The Council shall pay to the Minister of Health 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.

67. 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. Application of section 265 of Public Health Act 1875.

68. 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. Judges not disqualified.

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

A.D. 1931.
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Costs of Act.

70. 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.

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