



## CHAPTER lviii.

An Act to make further and better provision for the improvement health and local government of the urban district of Romford and for other purposes. A.D. 1931.  
[8th July 1931.]

**W**HEREAS the urban district of Romford (hereinafter referred to as "the district") is an urban district under the government of the urban district council of Romford (in this Act referred to as "the Council") who acting by the Council are also the urban sanitary authority for the district :

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

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

And whereas 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

[Ch. lviii.] *Romford Urban* [21 & 22 GEO. 5.]  
*District Council Act, 1931.*

A.D. 1931. Acts 1872 and 1903 have been observed and the consent of the Minister of Health has been obtained :

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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 Romford Urban 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 buildings sewers and drains.  
Part IV.—Amenities.  
Part V.—Infectious disease and sanitary provisions.  
Part VI.—Parks baths public buildings &c.  
Part VII.—Lands.  
Part VIII.—Hackney carriages and traffic provisions.  
Part IX.—Financial.  
Part X.—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— A.D. 1931.

“ The district ” means the urban district of Romford ;

“ The Council ” means the Romford Urban District Council ;

“ 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 Minister ” means the Minister of Health ;

“ 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 1892 ” means the Private Street Works Act 1892 ;

“ 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 ;

“ Food ” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928 ;

“ 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 ;

“ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 but does not include a public service vehicle or an omnibus ;

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- “Public service vehicle” has the same meaning as in the Road Traffic Act 1930;
- “Omnibus” has the same meaning as in the Town Police Clauses Act 1889 but does not include a public service vehicle;
- “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 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;
- “The deposited maps” means the maps signed in triplicate by Lord Redesdale the Chairman of

the Committee of the House of Lords to which the Bill for this Act was referred of which one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords one copy has been deposited in the Committee and Private Bill office of the House of Commons and the other copy has been deposited with the clerk at his office. A.D. 1931.  
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## PART II.

### TOWN PLANNING.

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

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

(a) the purpose of improving and developing front-ages 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 As to properties of which parts only are required for

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town  
planning  
schemes.

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 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 with-

draw 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. A.D. 1931.

(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 any premises.

8. Paragraph 2 of Part II of the Third Schedule to the Town Planning Act 1925 shall in its application for the purposes of or in relation to any town planning scheme made under the authority of the section of this Act of which the marginal note is "Power to make town planning schemes with reference to developed lands" have effect as if the words "or which at the date of the order authorising the compulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house" were omitted therefrom. As to rights of purchase in certain cases.

9. In its application to any town planning scheme made by the Council under the Town Planning Act 1925 in relation to land in the district required for the construction or improvement of any road (other than any land which is included in a scheme made under the section of this Act of which the marginal note is "Power to make town planning schemes with reference to developed lands") 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" Amendment of restrictions on acquisition of land.

A.D. 1931. — “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.

**10.**—(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) 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 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 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. A.D. 1931.  
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(4) Upon the submission of the order (with or without modification) to the Minister the Council shall serve on the said owner or owners a copy of the order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

**11.** 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 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 : Registra-  
tion of  
ownership  
of land and  
service of  
notices.

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 any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

**12.** 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. Definition of  
"owner"  
for certain  
purposes.

### PART III.

#### STREETS BUILDINGS SEWERS AND DRAINS.

**13.** 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 Power to  
determine  
width of

A.D. 1931. 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.

As to urgent repairs of private streets.

14. 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 the Act of 1892 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.

Development scheme may be required in connection with new streets.

15.—(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.

(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. A.D. 1931.

(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 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.

**16.**—(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 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

Adjustment  
of bound-  
aries of  
estates.

A.D. 1931. — 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.

Adjustment  
of bound-  
aries of  
streets.

**17.**—(1) The Council may enter into and carry into effect agreements with any owner of lands adjoining any street 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. A.D. 1931.

(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.

(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.

A.D. 1931.

(7) The Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other apparatus belonging to or used by them which remain 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 the Central Electricity Board deem it necessary to alter the position of any such electric lines or other apparatus they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Council.

For protec-  
tion of cer-  
tain under-  
takers.

**18.** For the protection of the South Essex Waterworks Company the County of London Electric Supply Company Limited and the Romford Gas Company (each of which bodies is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the undertakers 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 undertakers the undertakers 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 undertakers 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 undertakers in which there is situate any apparatus is exchanged for any land the Council shall forthwith give notice in writing to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged;

- (b) The undertakers 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 undertakers the reasonable expense of and in connection with such alteration of position; A.D. 1931.
- (c) The undertakers 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 undertakers under this section shall be referred to an arbitrator to be agreed upon between the Council and the undertakers 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.

**19.** For the protection of the Central Electricity 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):— For protec-  
tion of  
Central  
Electricity  
Board.

- (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

A.D. 1931.  
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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) 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.

Further powers as to future line of street.

**20.**—(1) The Council may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

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

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

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement



of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation. A.D. 1931.  
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(5) Any person who shall fail to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**21.** The powers conferred upon the Council by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions contained in that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than forty feet as may be determined by the Council. Rounding of corners at street junctions.

**22.**—(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 building 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.

**23.**—(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 Means of access to buildings.

A.D. 1931. 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.

(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 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.

24. 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.

A.D. 1931.  
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Secondary  
means of  
access.

25.—(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 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

A.D. 1931. 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 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.

As to pavement lights.

**26.**—(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.

Compensation for injuring lamps &c.

**27.** 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 ten pounds shall be recoverable summarily as a civil debt.

Byelaws as to intersecting streets.

**28.** The power of the Council to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section "intersecting

street" means a side or cross street forming a junction with another street. A.D. 1931.

29.—(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—

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

(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 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 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 Minister and that any such person shall at the same time send a copy of his representations to the clerk.

(3) The Minister 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 may and if any representation is duly made and is not withdrawn shall (unless the representation appears 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 and shall come into force on a date to be fixed by him.

A.D. 1931.

(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.

(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 shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further  
power to  
make bye-  
laws as to  
new build-  
ings &c.

**30.**—(1) Section 157 of the Public Health Act 1875 is hereby extended so as to enable the Council to make bye-laws 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
- (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 "the elevations").

(2) 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 street 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 disapprove them.

(3) Where by reason of any improvement made by the Council any land shall become land which adjoins

or abuts on any street and the owner lessee or occupier of any such land shall construct— A.D. 1931.

(a) any door or entrance 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 (also in this section collectively referred to as "the elevations") as may be approved by the Council and 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 such wall or fence. If the Council shall not signify their approval or disapproval of the elevations within one month after they shall have been submitted to them they shall be deemed to have approved thereof.

(4) Where the elevations of a building or addition or chimney or door or entrance or wall or fence have been disapproved under this section it shall not be lawful to erect the building or addition or chimney or door or entrance or wall or fence until the elevations thereof have been approved by the Council and any person who offends 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.

(5) The provisions of paragraph (b) of subsection (1) of this section in its application to buildings existing at the passing of this Act shall not apply to a wooden hoarding which is used solely for the purposes of poster advertising.

(6) The provisions of this section shall not apply to a building (not being a dwelling-house showroom or office) belonging to the Romford Gas Company and used or intended to be used for the purposes of their undertaking.

**31.**—(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

Erection of buildings to greater height than adjoining building.

A.D. 1931. — if it is required by the Council and is reasonably practicable 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.

Attachment  
of lighting  
brackets  
and wires to  
buildings.

**32.**—(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 :

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. A.D. 1931.

(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.

**33.**—(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. As to fore-courts.

(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.

**34.**—(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. As to erection of retaining walls.

(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.

**35.**—(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 conditions as the Council may prescribe for securing the stability of such stand or structure. Restriction on erection of temporary stands &c.

A.D. 1931. — 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 condition 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.

Direction  
signs.

**36.**—(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.

(2) In the exercise of the powers conferred by this section the Council shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by such Minister with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

(3) 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.

(4) 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.

As to fire  
plugs &c.

**37.** 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. A.D. 1931.

**38.**—(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 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) of this section which was in use on the first day of November one thousand nine hundred and thirty.

(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.

A.D. 1931.

(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.

Byelaws as to materials and construction of buildings flats &c.

**39.**—(1) 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—

- (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;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) 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;
- (v) 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;
- (vi) the testing of drains of new buildings;
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and the blocking of the pipes therefrom;
- (viii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (ix) ensuring that any hole made through the wall of a building below the level of the ground shall

be so stopped as to prevent the free passage of gas into the building; A.D. 1931.

- (x) the securing that any geyser or similar gas heated water apparatus of the rapid water-heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated;
- (xi) 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;
- (xii) the 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.

(2) Any byelaws made under paragraphs (ix) and (x) of subsection (1) of this section or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in paragraph (x) of that subsection is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

(3) Before any byelaws are made under paragraph (x) of subsection (1) of this section the Council shall furnish a copy thereof to the Romford Gas Company who shall be entitled to object to the confirmation thereof.

40. 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

Byelaws as to alterations to old buildings.

A.D. 1931. sections as can be required in relation to the erection of a new building :

Provided that any byelaws made under the powers of this section shall not apply to the alteration of a building (not being a dwelling-house showroom or office) belonging to the Romford Gas Company and used or intended to be used for the purposes of their undertaking.

As to hoardings and similar structures.

41.—(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 date of the passing of this Act which would (if erected after the date of the passing 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 and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions. A.D. 1931.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing 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 movable or temporary character erected by a builder for his use during the construction alteration or repair of any building if the same is taken down or removed immediately after such construction alteration or repair is complete.

**42.** The Council may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other 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. As to repair of hoardings.

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

(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

A.D. 1931. — 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 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).

Projecting  
signs.

44.—(1) No person shall without the consent of the Council erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) The consent of the Council under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street and such consent may be given subject to such terms and conditions as the Council may think fit.



(3) Any person who offends against the provisions of this section or the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1931.  
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(4) (a) Any person aggrieved by the withholding by the Council of any consent under the provisions of this section may within fourteen days from the date of the decision of the Council appeal to a court of summary jurisdiction.

(b) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk before lodging his appeal and the court shall have power to make such order in the matter of the appeal as the court may think fit and to award costs.

45.—(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 house let in lodgings 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. Means of escape from buildings in case of fire.

(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 house let in lodgings 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 opinion of the Council such building is not provided

A.D. 1931. — 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.

(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.

(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. A.D. 1931.

(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.

(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.

**46.**—(1) Every dwelling-house erected within the district 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. Food storage accommodation to be provided.

(2) (a) Every existing dwelling-house and every dwelling-house the erection of which was commenced 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 person 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.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Council under this subsection.

A.D. 1931.

(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.

Area of habitable rooms.

47. 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.

Further provisions as to working class houses.

48.—(1) For the purposes of Part II of the Housing Act 1930 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Council under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Council have served notice under section 17 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house.

Powers on inspection.

49. 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 of 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. A.D. 1931.

**50.**—(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 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. Dilapidated and neglected buildings.

(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

A.D. 1931. — 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.

**51.**—(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.

Sanitary conveniences for workmen engaged on buildings.

**52.**—(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.

(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.

Sanitary conveniences used in common.

**53.**—(1) The owner of two or more sanitary conveniences within the district provided for or in connection with two or more separate dwelling-houses and used in

common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses. A.D. 1931.

(2) The owner of any such sanitary conveniences shall cause to be affixed to the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

54.—(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. Combined drains.

(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

A.D. 1931. 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.

**55.**—(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.

(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.

Improper construction or repair of watercloset or drain.

**56.**—(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.

(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. A.D. 1931.

**57.** 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 waterclosets &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.

**58.**—(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 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. As to defective drains &c.

(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.

**59.** 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." Amendment of section 62 of Public Health Act 1875.

A.D. 1931.

As to repair  
of drains.

**60.** 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.

Separate  
sewers for  
sewage and  
surface  
water.

**61.**—(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.

(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 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.

62. Where the Council resolve to construct a sewer in a street or part of a street within the district repairable by the inhabitants at large which has not been previously sewered and pass a further resolution with respect to such sewer that in their opinion the construction thereof will increase the value of premises fronting adjoining or abutting on such street or part of a street the expenses of the construction of such sewer shall be recoverable and shall be apportioned and become charged (subject as mentioned in the Act of 1892) on the premises fronting adjoining or abutting on such street or part of a street in like manner as under the Act of 1892 the expenses of private street works executed in a street or part of a street not being a highway repairable by the inhabitants at large are made recoverable and are required to be apportioned and are charged on the premises fronting adjoining or abutting on such street or part of a street and all the provisions of the Act of 1892 except section 19 (Adoption of private streets) section 20 (On street being paved &c. urban authority to declare same public highway) and paragraph (b) of section 7 (Objections to proposed works) shall apply as if such sewer were private street works and the expenses of construction of such sewer were the expenses of execution of such private street works as if in the definition of the expression "street" in section 5 the word "not" were omitted and as if in the said section 7 after paragraph (f) the following two paragraphs were inserted:—

A.D. 1931.  
—  
Application  
of Private  
Street  
Works Act  
1892 to  
sewerage  
works in  
public  
streets in  
certain  
cases.

- (g) That the proposed works will not increase the value of any premises of the objector;
- (h) That the sum or proportion to be charged against any premises of the objector under the provisional apportionment is excessive having regard to the degree of benefit to be derived by such premises from the proposed works:

Provided that—

- (i) No expenses apportioned in pursuance of this section against agricultural land shall be recoverable until such land ceases to be agricultural land;
- (ii) If a part only of such land ceases to be agricultural land then only the portion of the

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expenses attributable to that part shall become recoverable; and

- (iii) Interest shall not be payable to the Council on any moneys in respect of the time during which under provisos (i) and (ii) to this section they are irrecoverable;
- (iv) If and so far as the sum apportioned is disallowed either on ground (g) or ground (h) above described the amount disallowed shall be borne by the Council.

Apportionment of expenses of private street works or sewerage works where part of frontage premises has been transferred.

**63.**—(1) For the purposes of this section the expression “a work” means—

- (a) any private street works to be executed by the Council under the Act of 1892; or
- (b) any sewer which is to be constructed by the Council in a street or part of a street within the district repairable by the inhabitants at large and is the subject of such a further resolution of the Council as is mentioned in the section of this Act whereof the marginal note is “Application of Private Street Works Act 1892 to sewerage works in public streets in certain cases.”

(2) When the Council resolve to execute a work they shall forthwith give written notice of such resolution to the owners of all premises (in this section referred to as “the chargeable premises”) which at the date of the passing of such resolution could lawfully if such work had then already been completed be included among the premises to be charged (in manner provided by the Act of 1892) with a proportion or sum in respect of the expenses of executing such work.

(3) If at any time between the date of the passing of such resolution and the date at which such work is completed any part of any separate property comprised in the chargeable premises has been conveyed or transferred the whole of such property may notwithstanding such conveyance or transfer be included in any apportionment (whether provisional or final) of the expenses of executing such work and the due proportion or sum chargeable in respect of such expenses against the whole of such property shall in such apportionment be calculated

as if such property had remained wholly in the same ownership as at the date of such resolution but the amount of the proportion or sum so calculated shall in the final apportionment be divided between and shall become charged accordingly upon the part of such property which has been conveyed or transferred as aforesaid and the remainder of such property respectively in such shares as the Council may determine to be fair having regard to all the circumstances. Provided that the owner for the time being of any part of such property may within one month after receiving written notice of such determination by the Council appeal against the same to a court of summary jurisdiction whose decision in the matter shall be final. The costs of any proceedings before such court of summary jurisdiction in relation to such appeal shall be in the discretion of the court.

A.D. 1931  
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**64.**—(1) In any case where the Council have incurred expenses in constructing after the passing of this Act a sewer in or under land within the district and such land has become a street (whether repairable by the inhabitants at large or not) since such sewer was constructed such expenses shall be recoverable and shall be apportioned and become charged (subject as mentioned in the Act of 1892) on the premises fronting adjoining or abutting on such street in like manner as under the Act of 1892 the expenses of private street works executed in a street not being a highway repairable by the inhabitants at large with respect to which a resolution has been passed by the Council under subsection (1) of section 6 of that Act are made recoverable and are required to be apportioned and are charged on the premises fronting adjoining or abutting on such street and all the provisions of the Act of 1892 (except sections 11 18 19 20 and 25 and subsection (1) of sections 6 and 21) shall apply subject to the adaptations thereof set forth in the First Schedule to this Act. Provided that—

Apportionment and recovery of expenses of construction of sewer constructed before land became a street.

- (i) where any sum so apportioned and charged in respect of the expenses of construction of any sewer is recoverable from a person against whose compensation in respect of the carrying of the same sewer into through or under his lands an amount for enhancement of value has been set off in pursuance of the section of this Act whereof the marginal note is "Benefits to be set off

A.D. 1931.

against compensation" the amount so set off shall be deducted in arriving at the sum to be so apportioned and charged and recoverable;

- (ii) no expenses apportioned in pursuance of this section against agricultural land shall be recoverable until such land ceases to be agricultural land;
- (iii) if a part only of such land ceases to be agricultural land then only the portion of the expenses attributable to that part shall become recoverable; and
- (iv) interest shall not be payable to the Council on any moneys in respect of the time during which under paragraphs (ii) and (iii) of this proviso they are irrecoverable.

(2) In this section the expression "street" includes part of a street.

Definition of "agricultural land."

**65.** For the purposes of the sections of this Act whereof the marginal notes are respectively "Application of Private Street Works Act 1892 to sewerage works in public streets in certain cases" and "Apportionment and recovery of expenses of construction of sewer constructed before land became a street" the expression "agricultural land" shall have the same meaning as in the Rating and Valuation (Apportionment) Act 1928.

Benefits to be set off against compensation.

**66.** In estimating the amount of compensation to be paid by the Council to any person in respect of the carrying of any sewer into through or under any lands within the district the enhancement in value of any lands of such person over or on either side of such sewer and of any other lands of such person through which the sewer is not carried arising out of the construction of the sewer shall be fairly estimated and shall be set off against the said compensation.

Provisions as to petroleum filling stations on lands adjacent to county roads.

**67.**—(1) After the commencement of this Act no petroleum filling station shall without the consent of the Council be erected on any land in the district so as to be adjacent to a county road or within two hundred feet of the junction of (1) Lower Bedfords Road and Noak Hill Road with Brox Hill Road and Straight Road or (2) Chase Cross Road with Clock House Lane or so that any

carriageway forming part of the station communicates directly with any such road or county road but the Council shall not refuse to give such consent as aforesaid except for the purpose of preventing obstruction to traffic. A.D. 1931.

(2) Any person aggrieved by the refusal of the Council to give their consent under this section may within fourteen days after the refusal has been communicated to him appeal to a petty sessional court and the provisions of section 8 of the Public Health Act 1925 shall apply with respect to any such appeal as they apply with respect to appeals under that Act.

(3) If any person erects or permits to be erected any petroleum filling station in contravention of the provisions of this section he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum filling station erected in contravention of this section and if he fails to do so he shall be deemed to commit a continuing offence and shall be liable on summary conviction thereof to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

**68.** Nothing in this Part of this Act except the sections whereof the marginal notes are— Saving for railway companies.

- " Adjustment of boundaries of streets " ;
- " Secondary means of access " ;
- " As to pavement lights " ;
- " Attachment of lighting brackets and wires to buildings " ;
- " As to forecourts " ;
- " Direction signs " ;
- " Banners and signs over streets " ;
- " As to hoardings and similar structures " ;
- " As to repair of hoardings " ;
- " As to erection of hoardings &c. at street corners " ;
- " Means of escape from buildings in case of fire " ;
- " Powers on inspection " ;
- " Sanitary conveniences for workmen engaged on buildings " ;

A.D. 1931. — 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.

AMENITIES.

Preserva-  
tion of trees. **69.**—(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 trunk of 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.

(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

(e) with the consent of the Council; or

(f) under an order of a court of summary jurisdiction under subsection (3) of this section; or



(g) where the tree is growing on land required for the widening or improvement of any road or for the construction of a new road : A.D. 1931.  
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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) 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.

(6) 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.

**70.**—(1) A petroleum filling station shall not be established on any land within the district which is coloured yellow or green on the deposited maps without the previous approval of the Council which approval may be given subject to such terms and conditions as the Council may think fit or may be withheld in order to preserve the amenities of any part of the district Provided that in exercising their powers under this section the Council shall have regard to the need for reasonable facilities for the supply of petroleum in or near the part

Petroleum  
filling  
stations.

A.D. 1931. — of the district which is coloured yellow and green on the deposited maps and Provided also that the Council shall not give their approval of the erection of a petroleum filling station in any area defined in byelaws made under section 11 of the Petroleum (Consolidation) Act 1928 without consultation with the county council of the administrative county of Essex.

(2) The Council may with a view to securing the removal of petroleum filling stations established before the passing of this Act on any land within the district which is coloured yellow or green on the deposited maps serve upon any occupier of a petroleum filling station established thereon before the passing of this Act a notice requiring him to remove it within such period not less than six months after the service of the notice as may be specified in the notice and any such notice may be addressed to "the occupier" without further name or description and may be served either by delivering it at or leaving it at or sending it by post as a registered letter to the usual or last-known place of abode of the occupier or if his place of abode is not known by fixing it on some conspicuous part of the petroleum filling station Provided that any person upon whom such a notice is served shall be entitled to recover from the Council any expenses reasonably incurred by him in carrying out the directions contained in the notice and shall if he makes a claim within twelve months after the service of the notice be entitled to recover from the Council compensation for any loss sustained by him in direct consequence of the requirements of the notice and any question or dispute as to whether compensation is payable under this subsection or as to the amount of any compensation so payable shall be determined by a single arbitrator appointed by agreement between the parties or in default of such agreement appointed by the Secretary of State.

(3) The occupier of any premises used or intended to be used as a petroleum filling station shall have power notwithstanding anything in any conveyance or in any lease or other agreement to do all such things as may be necessary for complying with the requirements of this section or any notice served under this section and where a notice has been served upon any person under this section the Council may with his consent do on his

behalf anything necessary for complying with the requirements of the notice. A.D. 1931.

(4) Any person aggrieved by the withholding by the Council of their approval or the imposition of any terms and conditions under 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.

(5) Any person offending against the provisions of this section or failing to comply with any notice served under this section shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which the offence occurs or continues and if after any person has been so convicted in respect of an offence under this section or in respect of a contravention of any notice served under this section requiring the removal of a petroleum filling station the petroleum filling station is not removed within such time as the court may allow the Council shall have power to do all such acts as may be necessary for the removal thereof and any expenses incurred by the Council in removing any petroleum filling station established in contravention of this section shall be recoverable from the person affected summarily as a civil debt.

(6) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

(7) The provisions of this section—

(a) shall be in addition to and not in derogation of the provisions of section 11 of the Petroleum (Consolidation) Act 1928 and any byelaws made thereunder; and

(b) shall cease to apply to any land shown on the deposited maps as from the date upon which a town planning scheme relating to that land comes into force.

**71.**—(1) The Council may serve a notice on the owner or occupier of any land within the district in respect of any serious injury to the amenities of (a) any public Display of advertisements.

A.D. 1931. — open space within the district or (b) any land within the district which is coloured yellow or green on the deposited maps which may be caused by the display of advertisements on such land requiring him within a reasonable time to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply therewith the Council may cause a complaint relating to the injury to be made to a court of summary jurisdiction and that court may issue a summons requiring the person to appear before them and if satisfied that the alleged injury exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order.

(3) If any person fails to comply with the requirements of subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Council themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

(5) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925.

(6) Nothing in this section shall apply to—

(a) Advertisements upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to be held upon or in relation to such land or any property thereon and advertisements on the door or in the window of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding six inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;

- (b) (For a period of five years from the passing of this Act) hoardings or similar structures erected or in use for advertising purposes prior to that date and any advertisement displayed thereon during that period or any other advertisement displayed at the date of the passing of this Act; A.D. 1931.  
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- (c) Advertisements on or upon any railway station yard platform or railway approach belonging to a railway company.

## PART V.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

**72.**—(1) Any person being the 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.

**73.**—(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 entertainments.

A.D. 1931.

(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 attendance of children at Sunday schools and places of assembly when infectious disease prevails.

**74.**—(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 Essex County 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.

**75.**—(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 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.

Supply of antidotes against infectious disease.

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

77. 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.

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Persons to furnish names of laundrymen to whom clothes &c. from infected houses are sent.

78.—(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 withholding information 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.

79.—(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. 1931.

(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.

Cleansing of dwelling-houses in certain cases.

**80.** When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Council (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Council to cleanse and disinfect the dwelling-house and the Council may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

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

**81.** 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.

**82.** 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.



**83.**—(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.

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Disinfection  
in case of  
tuberculosis.

(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

A.D. 1931. — 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 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 tipping  
refuse.

84.—(1) Section 44 of the Public Health Act 1875 shall extend to empower the Council to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof Provided that no byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway company for the purpose of constructing widening or maintaining any railway works.

(2) The Council may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and in the case of a continuing offence a further penalty not exceeding ten pounds for each day on which the offence is continued after conviction thereof Section 183 of the Public Health Act 1875 shall not apply in the case of byelaws made in pursuance of this section.

(3) Without prejudice to any other remedy available the Council if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Public Health Act 1875 authorised to proceed with respect to a nuisance of whose existence they are satisfied and sections 94 to 104 inclusive of that Act with any necessary modifications shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 96 of the Public Health Act 1875 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for continuance of his offence after conviction and to a penalty under section 98 of the Public Health Act 1875 (as so applied) for failing to carry out an order or acting contrary to an order. A.D. 1931.

**85.** 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 fæcal or offensive or noxious matter or liquid. Byelaws as to refuse.

**86.**—(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. Regulation dustbins.

(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 three shillings and sixpence as the Council may from time to time by resolution determine for or towards the maintenance repair and renewal by

A.D. 1931. 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.

(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.

Byelaws as to stables.

**87.** The Council may make byelaws—

- (a) for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about any existing stable (whether the same is used as such at the passing of this Act or not) or of any stable erected after the passing of this Act; and
- (b) in regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

As to infected stables and other places.

**88.**—(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.

(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.

**89.**—(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 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.

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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.

**90.**—(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 Council be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Provisions  
as to tents  
vans &c.

A.D. 1931.

(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.

**91.**—(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 van shed or similar structure which is not used or intended to be used by the occupier as the 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.

(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.

**92.**—(1) If and when the Council shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 they may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the district and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Council.

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— §  
Byelaws as  
to inspec-  
tion of  
meat.

(2) No byelaw made by the Council under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 apply or which has been inspected and passed as fit for food by the medical officer of health for the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Council shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(4) Before making any such byelaws the Council shall give not less than one month's notice to the London Retail Meat Traders' Association Incorporated of the Council's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Council shall confer with the said association thereon before they submit them to the Minister for confirmation and such association shall be entitled to make representations to the Minister with regard thereto.

**93.**—(1) The Council may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

Byelaws as  
to food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport of food by a railway company 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

A.D. 1931. — 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.

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

**94.** 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.

Power to  
prohibit  
persons  
suffering  
from tuber-  
culosis from  
handling  
&c. food.

**95.**—(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.

(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. A.D. 1931.

**96.**—(1) Any premises within the district used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Council from time to time and no premises shall be used for the purposes aforesaid or any of them unless the same are registered as aforesaid. Registration of premises used for preparation of potted and preserved foods.

(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.

**97.**—(1)—

(a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the district; and

(b) any premises within the district used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

shall be registered with the Council in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the district carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises within the district shall be used for the purposes aforesaid unless they be so registered.

Registration of ice-cream manufacturers and premises.

A.D. 1931.

(3) 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.

(4) This section shall not apply to or affect any premises licensed for stage plays or for music and dancing or for cinematograph entertainments.

For regu-  
lating manu-  
facture and  
sale of ice-  
cream &c.

**98.**—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

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

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

**99.**—(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 subsection (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.

A.D. 1931.

As to inspection of premises used for storage of food.

(2) The expression "public analyst" in this section means the analyst appointed for the purposes of the Food and Drugs (Adulteration) Act 1928.

**100.** Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle or stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings :

As to street vendors of food.

Provided that no person shall be liable to a penalty under the provisions of this section if he has been convicted for the same offence under the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907.

**101.**—(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

Penalty on original vendor of unsound meat.

A.D. 1931. — 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.

(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 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.

**102.** 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: A.D. 1931.

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.

**103.**—(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 of such person and the place at which such person is. Medical practitioners to notify cases of food poisoning.

(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 occur in his private practice and of one shilling if the case occur in his practice of 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.

**104.** The owner of any dwelling-house or tenement in the district which is not provided with a proper and sufficient water supply within such dwelling-house or tenement 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 : Water supply for dwelling-houses to be provided.

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.

**105.** Section 6 of the Housing Act 1925 shall operate so as to empower the Council to make byelaws with respect to the following matters relating to Byelaws as to lodging-houses.

A.D. 1931. 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.

Notice to be given of this Part of Act.

**106.**—(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.

## PART VI.

### PARKS BATHS PUBLIC BUILDINGS &C.

Power to provide and let public buildings &c. ¶

**107.**—(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 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 bandstands 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.

(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.

**108.** Subject to the provisions of this Act—

As to baths  
and bathing  
pools.

- (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

A.D. 1931.

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 :

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 :

- (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.

Use of swimming baths &c. for swimming contests &c.

**109.** 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.



**110.**—(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. A.D. 1931.  
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Power to  
appoint  
officers.

(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 VII.

### LANDS.

**111.**—(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. Further  
powers for  
acquisition  
of lands.

(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.

**112.**—(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 Retention  
and disposal  
of lands.

A.D. 1931. 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 :

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.

Proceeds of  
sale of  
surplus  
lands.

**113.**—(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 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. A.D. 1931.  
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(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 VIII.

##### HACKNEY CARRIAGES AND TRAFFIC PROVISIONS.

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

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in the byelaws ;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire ;
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

115. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Council within the district on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular Power to make regulations as to traffic on carnival &c. days.

A.D. 1931. routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at specified times for a reasonable period not exceeding two consecutive hours at any one time.

As to street traffic.

**116.** The Council may delegate their powers under section 21 of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the Council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the Council.

Power to impose test on motor drivers.

**117.** No person shall be entitled to drive a motor vehicle licensed by the Council as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Council of his ability to drive and for that purpose the Council may impose such reasonable test as they may think fit.

Power to grant occasional licences for hackney carriages and other public vehicles.

**118.** An occasional licence for a hackney carriage or omnibus to ply for hire may be granted by the Council to be in force for such day or days or other periods less than one year as may be specified in the licence.

Inspection and certification of taximeters.

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

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

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable

intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings. A.D. 1931.

PART IX.

FINANCIAL.

**120.**—(1) The Council may from time to time independently of any other borrowing power borrow at interest the sum requisite for the purpose of paying the costs charges and expenses referred to in the section of this Act of which the marginal note is “ Costs of Act ” and in order to secure the repayment thereof 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 five years from the passing of this Act which period is in this Act referred to as “ the prescribed period.” Power to borrow.

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

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

(c) 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.

(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.”

**121.** 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.

A.D. 1931.

Provisions  
of Public  
Health Act  
1875 as to  
mortgages  
to apply.

Application  
of moneys  
borrowed.

Council not  
to regard  
trusts.

Protection  
of lender  
from  
inquiry.

Mode of  
payment off  
of money  
borrowed.

Sinking  
fund.

**122.** 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.

**123.** 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.

**124.** 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.

**125.** 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 see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

**126.** 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.

**127.—(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.D. 1931.

(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.

(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

A.D. 1931. — 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.

(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.



A.D. 1931.  
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(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.

**128.**—(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 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.

(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

A.D. 1931.

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.

All stock  
and loans  
to rank  
equally.

**129.** 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.

Power to  
use one  
form of  
mortgage  
for all pur-  
poses.

**130.**—(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 Second 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. A.D. 1931.

(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 Second Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(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

A.D. 1931. 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.

Power to borrow by issue of bonds.

**131.**—(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.

(2) The provisions set out in the Third 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 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.

Scheme for equated periods.

**132.**—(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 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. A.D. 1931.

(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 that 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 sum 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.

**133.** 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

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

A.D. 1931. 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.

Payments  
into sinking  
fund and  
other funds.

**134.** 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 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.

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

**135.** 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 fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation contingent 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 periods by the methods and out of the fund rate or revenue within by and out of 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 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 : A.D. 1931.  
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(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.

**136.** 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.

Evidence of  
transfer or  
transmission  
of securities.

A.D. 1931.

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Receipt in  
case of per-  
sons not sui  
juris.

Closing of  
registers.

**137.** 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.

**138.** 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.

Interest on  
mortgages  
held jointly.

**139.** 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.

Appoint-  
ment of  
receiver.

**140.**—(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.

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

Return to  
Minister  
with respect  
to repay-  
ment of  
debt.

**141.**—(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.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Council and shall be 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 enforce- A.D. 1931.  
able 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.

142.—(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 depots 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.

(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

A.D. 1931. — to in subsection (1) of this section and the repair of carts mechanically propelled vehicles stables depots 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 of such expenses.

Recovery of rate from persons removing.

**143.** 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 person until the complaint is determined upon the return of the summons.

Subscriptions to local government associations and other expenses.

**144.** 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.

**145.** 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 X.

A.D. 1931.

MISCELLANEOUS.

**146.**—(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 Local Government Act 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.

**147.**—(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 office so as to interfere with or render less convenient the access to or exit from any station or depot of any railway company.

**148.**—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1925 and not entitled to benefits under a scheme established

Power to  
grant allow-  
ances or

A.D. 1931.  
—  
gratuities in  
certain  
cases.

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.

Noise  
nuisance.

**149.**—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

Penalty for  
street crying  
on Sunday.

**150.** 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 article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings.

**151.** Any committee appointed by the Council for the execution of the purposes of any local Act or Order confirmed by or having the force of an Act of Parliament shall if the Council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875 as if that section were in force in the district.

A.D. 1931.  
—  
Committees  
of Council.

**152.** 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) Part IV (Amenities) or Part V (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.

Penalty on  
occupiers  
refusing  
execution  
of Act.

**153.** 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) Part IV (Amenities) and Part V (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power of  
entry.

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

General  
provisions  
as to  
byelaws.

**155.** 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

Evidence of  
appoint-  
ments  
authority  
&c.

A.D. 1931. — 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 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.

**156.** 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.

**157.** 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.

**158.** 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. 1931.

**159.** 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.

**160.** 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. Appointment of deputies of certain officers.

**161.** 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.

**162.** 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 V 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.

**163.** Where the payment of more than one sum by any person is due under any Act or Order from time Several sums in one summons.

A.D. 1931. — 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.

Informa-  
tions by  
whom to be  
laid.

**164.** 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 within the district.

Authentica-  
tion and  
service of  
notices.

**165.**—(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.

**166.** 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.

**167.** 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.



**168.** 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. 1931.  
 —  
 Penalties to be paid over to treasurer.

**169.** 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.

**170.** 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.

**171.** 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.

**172.** 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.

**173.**—(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

Inquiries by Minister.

A.D. 1931.

him or the giving of any consents 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.

(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.

**174.** 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.

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

Crown  
rights.

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

Costs of  
Act.

**177.** 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. 1931.

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### FIRST SCHEDULE.

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Adaptations of the provisions of the Private Street Works Act 1892 for the purpose of their application under the section of this Act whereof the marginal note is "Apportionment and recovery of expenses of construction of sewer constructed before land became a street."

The provisions of the Act of 1892 shall apply as if—

- (1) The sewer to which the expenses relate were private street works and the expenses were expenses of execution of such private street works :
- (2) All references to estimated expenses or an estimate of expenses were respectively references to actual expenses or a statement of actual expenses :
- (3) The provisional apportionment were the only apportionment and all provisions for or with respect to the making of a final apportionment or notice thereof or objections thereto were omitted and the sums apportioned under the provisional apportionment (subject to any order of the court quashing or amending the same) were recoverable in the manner referred to in subsection (1) of section 12 :
- (4) In the definition of the expression "street" in section 5 the words "and not being a highway repairable at large" were omitted :
- (5) The power contained in subsection (2) of section 6 to approve by resolution and the word "approved" in subsection (3) of that section related only to the provisional apportionment and not to the specification plans sections and estimate :
- (6) Subsection (3) of section 6 provided for the publication and service of copies not of such approving resolution as aforesaid but of notice of the preparation of the specifications plans and sections (if any) estimates and approved provisional apportionment and of the place and period of the deposit by that subsection required :

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—

- (7) Paragraph (b) of section 7 and the word "proposed" in paragraph (d) of that section were omitted :
- (8) In paragraph (f) of section 7 the words "derived or" were inserted before "to be derived" and the words "by way of construction of a sewer in the street or part of a street to which the apportionment relates" were inserted after "premises" :
- (9) After paragraph (f) of section 7 the following two paragraphs were inserted :—
  - (g) That the works will not increase the value of any premises of the objector ;
  - (h) That the sum or proportion to be charged against any premises of the objector under the provisional apportionment is excessive having regard to the degree of benefit derived or to be derived by such premises from the works :
- (10) The words "plans sections estimates" in subsection (1) of section 8 were omitted :
- (11) In subsection (1) of section 9 the words "to be done" were omitted the word "sewer" were substituted for "street or part of a street as regards sewerage drainage level or other matters" and the word "sewers" were substituted for "streets (whether repairable or not by the inhabitants at large)" :
- (12) In section 10 the words "to be" were omitted before "incurred" the words "derived or" were inserted before "to be derived" and the words "by way of construction of a sewer in the street or part of a street to which the apportionment relates" were inserted after "of any such premises" :
- (13) The references in sections 13 and 14 to the final apportionment were references to the provisional apportionment :
- (14) Subsection (1) of section 21 were omitted and in subsection (2) of that section the words "the construction of sewers" were substituted for "executing private street works" :
- (15) The following words in Part I of the schedule were omitted :—
  - (i) under the heading "Specifications" the words "to be" before "done" ;
  - (ii) under the heading "Plans and sections" the word "streets" and the words from "subject" to "respectively" inclusive ; and
  - (iii) under the heading "Estimates" the word "probable."

SECOND SCHEDULE.

A.D. 1931.

FORM OF MORTGAGE.

URBAN DISTRICT OF ROMFORD.

By virtue of the Romford Urban District Council Act 1931 and of other their powers in that behalf them enabling the urban district council of Romford (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 \_\_\_\_\_ one thousand nine 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 \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ or (if not repaid on that date) at any time thereafter on the expiration of six 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 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.

A.D. 1931. In witness whereof the Council have caused their common  
seal to be hereunto affixed this  
day of \_\_\_\_\_ one thousand  
nine hundred and \_\_\_\_\_

THE ENDORSEMENT WITHIN REFERRED TO.

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

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] \_\_\_\_\_  
of \_\_\_\_\_  
in consideration of the sum of \_\_\_\_\_ pounds  
paid to me by \_\_\_\_\_  
of \_\_\_\_\_  
(hereinafter 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 Romford  
bearing date the \_\_\_\_\_ day of \_\_\_\_\_  
] and all my right and interest under the same subject  
to the several conditions on which I hold the same at the time  
of the execution hereof and I the transferee for myself my  
executors administrators and assigns do hereby agree to take the  
said mortgage security subject to the same conditions.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_  
one thousand nine hundred and \_\_\_\_\_

THIRD SCHEDULE.

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.

(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 persons 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.

A.D. 1931. (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 ROMFORD.

ROMFORD COUNCIL BONDS.

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

This is to certify that.....  
 of.....is the registered holder of an  
 urban district council of Romford bond for.....pounds  
 (£.....) issued by the Council under the Romford Urban  
 District Council Act 1931 at.....

(Signed).....  
 Treasurer 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 :—

FORM OF DEED OF TRANSFER.

ROMFORD COUNCIL BONDS.

I.....  
 in consideration of the sum of.....  
 paid by..... (herein-  
 after 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 said.....  
 .....subject 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 Romford 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.

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 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.

A.D. 1931.  
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(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.

(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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