



CHAPTER xcv.

An Act to make provision in regard to the utilisation of certain waste lands known as Beacontree Heath in the Dagenham urban district and to make further provision in regard to the improvement health local government and finance of the district and for other purposes.

A.D. 1931.

[31st July 1931.]

WHEREAS by the Essex (Dagenham Urban District) Confirmation Order 1926 the parish of Dagenham in the rural district of Romford was converted into an urban district to be called "the Dagenham urban district" (in this Act called "the district") under the local government of the urban district council of Dagenham (in this Act called "the Council"):

And whereas since the census of one thousand nine hundred and twenty-one the population of the district and the number of occupied houses therein have both increased nearly eightfold and the rateable value of the district has increased nearly sevenfold:

And whereas by the Dagenham Urban District Council Act 1928 the Council were authorised in consequence of the abnormal growth and development of the district and the rapidity with which the land was being built upon to acquire compulsorily certain lands within the district for the purposes of the provision of public walks and pleasure grounds and cemeteries and to acquire additional lands by agreement in anticipation

A.D. 1931, — of the further growth and development of their district and all the lands so authorised to be acquired compulsorily have since been purchased by the Council :

And whereas there are situate within the district and on both sides of the road known as Green Lane and on the north-eastern side of Bull Lane certain pieces of waste or common land formerly waste of the manor of Barking containing in the whole fifteen acres or thereabouts and collectively known as Beacontree Heath :

And whereas the rights of the lord of the said manor of Barking in the said lands were purchased by the Dagenham Parish Council the predecessors of the Council in the year one thousand eight hundred and ninety-nine and are now vested in the Council and the actual rights of common (if any) over the said lands and the commoners entitled thereto are unknown :

And whereas the district is within and on the eastern border of the metropolitan police district but the said lands are not subject to any scheme or Provisional Order for their regulation or to any byelaws regulations or orders :

And whereas in view of the detached position of the several pieces of waste or common land forming Beacontree Heath and of the change that has occurred in the population and local government of the district it is expedient that the said lands should be vested in the Council in the manner and for the purposes in this Act specified freed and discharged from all rights (if any) still outstanding in over or in respect thereof and that statutory powers for the upkeep regulation and control of the said lands should be conferred upon the Council :

And whereas the said lands include certain pieces of land which by reason of their small extent or situation are unsuitable for use as open spaces public walks or pleasure grounds and it is expedient that the Council be empowered to sell or exchange the same and to apply the proceeds of any such sale in the acquisition laying out improvement or upkeep of other lands within the district more suitable for use as open spaces public walks or pleasure grounds :

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 :

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

And whereas it is expedient to make further and better provision in regard to streets and buildings in the district and that the powers of the Council in regard to health local government and improvement of the district be enlarged as by this Act provided : A.D. 1931.

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

And whereas in the year one thousand nine hundred and eleven the rural district council of Romford the predecessors of the Council executed certain private street works in the roads known as Hainault Road and Whalebone Grove in the parish of Dagenham and under section 13 of the Private Street Works Act 1892 became entitled to a charge on the lands fronting adjoining or abutting on the said streets including certain lands the owners of which could not be found but the rural district council did not exercise the powers of sale conferred upon them by the said section for the purpose of enforcing the charge :

And whereas in the year one thousand nine hundred and twenty-four the Romford Rural District Council took possession of and fenced the said lands but doubts have arisen whether owing to the lapse of time the Council are now entitled to exercise the powers of sale conferred by the said section 13 for the purpose of enforcing the charge and it is expedient that the Council should be authorised to exercise the powers of sale 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 this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans of the said lands hereinbefore referred to and a book of reference containing the names of the owners and lessees or the reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the county council of Essex and are in this Act respectively referred to as the deposited plans and book of reference :

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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 Dagenham Urban District Council Act 1931.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Common and waste lands.

Part III.—Town planning.

Part IV.—Streets buildings sewers and drains.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Street trading.

Part VII.—Parks baths public buildings &c.

Part VIII.—Financial.

Part IX.—Miscellaneous.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 (except section 127 of the Lands Clauses Consolidation Act 1845) so far as they 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. 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. And in this Act unless the subject or context otherwise requires—

“ The district ” means the urban district of Dagenham ;

“ The Council ” means the Dagenham Urban District Council ;

“ The clerk ” “ the treasurer ” “ the medical officer ” A.D. 1931.

“ 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 waste lands ” means the lands within the
district known as Beacontree Heath and which
are shown on the deposited plans and described
in the deposited book of reference;

“ 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 1928 ” means the Dagenham Urban
District Council Act 1928;

“ 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;

“ 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

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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.

PART II.

COMMON AND WASTE LANDS.

Extinction
of common
and other
rights over
waste lands.

5.—(1) From and after the passing of this Act the waste lands shall vest in the Council in fee simple freed and discharged from all rights of common or pasturage and all other rights in and over the same or any part or parts thereof and all such rights (if any) shall be extinguished Provided that there shall be saved and excepted from the operation of such vesting all existing property rights and interests of any road authority in or with respect

to any road situate upon the waste lands and all existing public or private rights of way or passage over any such road or over any part of the waste lands and all existing property rights and interests of any company body or person in or with respect to any pipe wire or apparatus for the supply of gas water or electricity or for telegraphic or telephonic communication or any sewer or drain in upon or over the waste lands.

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(2) Any person having any right of common or pasturage or other right in or over the waste lands at the passing of this Act shall if he gives notice in writing to the Council within six months after the passing of this Act of the nature of his right and the amount of compensation which he claims in respect of the same be entitled to be paid compensation for the loss of such right and the amount of such compensation shall failing agreement between such person and the Council be determined in accordance with the provisions of the Lands Clauses Acts by two justices. If any difference shall arise under this subsection between the Council and any person as to whether such person has or had at the passing of this Act any right of common or pasturage or other right in or over the waste lands or as to the nature of such right such difference shall be determined by two justices and the procedure prescribed by section 24 of the Lands Clauses Consolidation Act 1845 shall apply with respect to such difference and the hearing and determination thereof as if such difference were a question of disputed compensation referred to in that section. Such determination shall for the purposes of the section of this Act whereof the marginal note is "As to appeal" be deemed to be an order made by a court of summary jurisdiction.

Public notice of the effect of the provisions of this subsection shall be given after the passing of this Act by advertisement in two newspapers published or circulating in the district.

(3) Nothing contained in this section shall in any way affect the posts and rail and the trade sign belonging to Messrs. Ind Coope & Co. Limited in front of the property known as "The Three Travellers."

6.—(1) Subject to the provisions of subsection (2) of this section the waste lands with the exception of the portions thereof referred to in the section of this Act of

Appropriation of waste lands.

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which the marginal note is "Sale or exchange of certain small portions of waste lands" shall be deemed to be public pleasure grounds within the meaning of the Public Health Acts and the provisions of those Acts and of this Act shall apply accordingly.

(2) The Council may by resolution appropriate or dedicate any part or parts of the waste lands for the purpose of the construction of new streets or highways or the widening or improvement of existing streets or highways.

(3) The appropriation by the Council or their predecessors before the date of the passing of this Act of any parts of the waste lands for the purposes of widening existing streets or highways or for any purpose for which the Council were for the time being empowered to acquire or hold land is hereby sanctioned and confirmed and the said parts of the waste lands shall be deemed to have been lawfully appropriated for the said purposes.

(4) The waste lands (with the exception of the portions thereof referred to in subsection (1) of this section) shall not be alienated or used by the Council for any other purposes than those specified in this section without the sanction of the Minister of Agriculture and Fisheries.

Sale or
exchange of
certain
small
portions of
waste lands.

7.—(1) Subject to the provisions of this Act and notwithstanding anything contained in the Lands Clauses Acts to the contrary the Council may sell lease exchange or otherwise dispose of in such manner and for such consideration and purposes and on such terms and conditions as they may think fit such parts of the waste lands as are described in the First Schedule to this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands 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.

(2) The Council shall from time to time apply and expend the whole of the sums received by them under this section in the acquisition of lands within the district for the purposes of open spaces public walks or pleasure grounds or in the laying out improvement or upkeep of any lands appropriated to or used for such purposes or any of them.

PART III.

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TOWN PLANNING.

8. 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.

9. 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 frontages to and developing lands abutting on or adjacent to any new street or any widening of an existing street; and

(b) the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Council that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement.

10.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Town Planning Act 1925 authorising the Council to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory of which the Council have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Council allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the

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

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(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 withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment

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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.

11. 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.

12. 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 forms" and as if the words "on such date was" were inserted therein instead of the word "is" where that word secondly appears.

Amendment of restrictions on acquisition of land.

13.—(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

Limitation on requirements under scheme.

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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 as so 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.

(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. A.D. 1931.
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14. 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 :

Registration 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.

15. 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 IV.

STREETS BUILDINGS SEWERS AND DRAINS.

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

Power to determine width of carriage-ways and footways.

A.D. 1931.

As to
urgent
repairs of
private
streets.

17. 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 Private Street Works Act 1892 or of section 19 of the Public Health Acts Amendment Act 1907 Provided that the cost of any such repairs shall not exceed ten pounds in the case of any such street.

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

18.—(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.

(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. 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 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.

19.—(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 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. Adjust-ment of boundaries of estates.

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(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.

Adjust-
ment of
boundaries
of streets.

20.—(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.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on

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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.

(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

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For protection of certain undertakers.

21. For the protection of the Metropolitan Water Board the South Essex Waterworks Company the Gas Light and Coke Company and the County of London Electric Supply Company Limited (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 expenses of and in connection with such alteration of position;

(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 : A.D. 1931.

- (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.

22. 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 protection 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 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 :

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

A.D. 1931.

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.

23.—(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.

(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.

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

A.D. 1931.
—
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.

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

A.D. 1931. — the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

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

(7) Any person deeming himself aggrieved by any requirement of 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.

Rounding
of corners
at street
junctions.

26. 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.

Byelaws
as to
intersect-
ing streets.

27. 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.

28.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor cycle in passing to and from such premises the Council may either—

A.D. 1931.
—
Crossings
for horses
or vehicles
over foot-
ways.

(a) require the construction across such footway of a carriage-crossing for the purposes aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Council may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Council require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner as a civil debt.

(3) If the Council allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor cycle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of the said condition shall be liable to a penalty not exceeding five pounds.

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Council under this section.

29.—(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

As to
pavement
lights.

A.D. 1931. — 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.

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

As to fore-courts.

31.—(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 which are a source of danger obstruction or inconvenience to the public the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

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

As to erection of retaining walls.

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

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

33.—(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. A.D. 1931.
Direction signs.

(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.

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

35.—(1) If the Council shall by resolution determine that any banner streamer sign or lettering suspended across or hung over the carriageway of 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 Banners and signs over streets.

A.D. 1931. — within such reasonable period not being less than forty-eight hours as may be specified in the notice.

(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.

(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.

Attach-
ment of
lighting
brackets
and wires
to buildings.

36.—(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;

A.D. 1931.
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- (b) any consent of any owner and an order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section;
- (c) the owner may require the Council temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

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

37.—(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 and protection against fire and for securing the safety of persons to be accommodated thereon.

Restriction
on erection
of tempor-
ary stands
&c.

(2) Any person acting in contravention of this section or offending against any such condition shall be

A.D. 1931. 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.

As to
hoardings
and similar
structures.

38.—(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.
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(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.

39. 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.

40.—(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 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

A.D. 1931. 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).

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

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

(a) is liable to flooding; or

(b) is unsuitable for buildings of that class by reason of the nature of the subsoil.

(2) Before any order made under this section shall come into force the Council shall submit the same to the Minister 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. A.D. 1931.

(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.

(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.

42.—(1) Section 157 of the Public Health Act 1875 is hereby extended so as to enable the Council to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct— Further power to make byelaws as to new buildings &c.

(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;

A.D. 1931. — of drawings of the elevations and particulars as to the materials of such building or addition or chimney (which drawings and particulars are in this section included in the expression "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 district whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its construction 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) 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 acts in contravention of this section shall be liable to a penalty

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

(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.

43.—(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—

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

- (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;

A.D. 1931.

- (ix) the 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;
- (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) the ensuring that gas pipes and electric wires shall be so laid as to prevent or reduce the risk of fire;
- (xii) 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;
- (xiii) 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.

Secondary
means of
access.

44. 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.

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

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

47.—(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.

A.D. 1931.
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(3) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

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

As to
dangerous
buildings.

48.—(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.

49.—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Council may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement.

A.D. 1931.
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Height of chimneys.

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

50.—(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 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.

Erection of buildings to greater height than adjoining building.

(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.

51.—(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

Means of escape from buildings in case of fire.

A.D. 1931. — provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Council in the circumstances of the case and the owner shall not permit such building to be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) The Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house 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 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 fourteen 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. A.D. 1931.

(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.

(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.

52.—(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.

A.D. 1931.

(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.

(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.

53. 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 pro-
visions as to
working
class
houses.

54.—(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. A.D. 1931.
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(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.

55.—(1) The Council may prohibit the construction in or in connection with any dwelling-house within the district of any cellar or room the floor level of which shall be lower than the highest known level of the subsoil water on under or adjacent to the land on which such dwelling-house shall be erected. Cellars not to be constructed below subsoil water level.

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

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

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

A.D. 1931.

Sanitary
conveni-
ences used
in common.

57.—(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.

(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.

Closet
accommo-
dation in
houses
occupied
by more
than one
family.

58.—(1) Section 36 of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house within the district occupied by a separate family as it applies to the whole of a house.

(2) The provisions of subsections (1) (2) and (3) of section 7 of the Housing Act 1925 as amended by the Housing Act 1930 shall apply with any necessary modifications as if the same were set out in this section.

Combined
drains.

59.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer. A.D. 1931.

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

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

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

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

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

A.D. 1931.

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

61.—(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.

Wilful
damage to
drains
water-
closets &c.

62. 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 :

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.

As to
defective
drains &c.

63.—(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.

(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. A.D. 1931.

64. 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.

65. 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: As to repair of drains.

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.

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

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

A.D. 1931. — 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.

Saving for
railway
companies.

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

- “ Adjustment of boundaries of streets ”;
- “ Crossings for horses or vehicles over footways ”;
- “ As to pavement lights ”;
- “ As to forecourts ”;
- “ Direction signs ”;
- “ Banners and signs over streets ”;
- “ Attachment of lighting brackets and wires to buildings ”;
- “ As to hoardings and similar structures ”;
- “ As to repair of hoardings ”;
- “ As to erection of hoardings &c. at street corners ”;
- “ Secondary means of access ”;
- “ Powers on inspection ”;
- “ Means of escape from buildings in case of fire ”;
- “ Sanitary conveniences for workmen engaged on buildings ”;
- “ Separate sewers for sewage and surface water ”;

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 V.

A.D. 1931.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

68.—(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.

69.—(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.

(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.

70.—(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

Restriction on attendance of children at Sunday schools and

A.D. 1931.
—
places of
assembly
when
infectious
disease
prevails.

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.

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

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

Supply of
antidotes
against
infectious
disease.

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

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

73. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment shall for every

such offence be liable to a penalty not exceeding forty shillings. A.D. 1931.

74.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease. Penalty on withhold-
ing inform-
ation 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 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

75.—(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.

(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.

76. 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 Cleansing
of dwelling-
houses in
certain
cases.

A.D. 1931.

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.

77. 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.

Entry into
premises in
case of
dangerous
infectious
disease.

78.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from two justices which such justices are hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

Provided that the medical officer shall not under the powers of this section—

- (a) enter any premises except between the hours of seven in the morning and ten in the evening; or
- (b) examine a person who is already under the treatment of a registered medical practitioner except with the consent of the latter.

(2) For the purposes of this section the expression "dangerous infectious disease" has the same meaning as in section 60 of the Public Health Act 1925. A.D. 1931.

(3) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

79. 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. Prohibition on infected person carrying on business.

80.—(1) If the medical officer certify in writing that any person— Removal of infirm and diseased persons in certain cases.

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary poor law or other institution or other suitable place provided within the district or within a convenient distance of the district and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order

A D. 1931. or orders made under and in accordance with the provisions of this section.

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

(3) (a) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Council unless on the application of the Council the court shall order that such cost or such part thereof as it may determine shall be borne by the person so removed in which case such cost or part thereof shall be recoverable from such person summarily as a civil debt.

(b) During any period for which a person is so detained the Council may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Council think fit or as may be directed by the court as the case may be.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Council so to do either generally or in any particular case in which those powers are proposed to be exercised. A.D. 1931.
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81.—(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. 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

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require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

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

(3) If any person sustains any damage by reason of the exercise by the Council of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Power to compensate persons for ceasing employment to prevent spread of disease.

82. If any person shall at the request of the Council acting on the advice of the medical officer cease his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such ceasing.

Cleansing or destruction of filthy &c. articles.

83.—(1) Where it appears to the Council on a report from the medical officer that any articles in any house or part thereof are in such a filthy dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing disinfection or destruction of any such articles is requisite to prevent risk of or to check infectious disease the Council may at their own expense cause such articles to be cleansed disinfected or destroyed and (if they think fit) removed for any such purpose.

(2) If the owner of any such articles suffer unnecessary damage by reason of the exercise of the powers of this section the Council shall compensate him for the same and the Council shall also reasonably compensate him for any articles destroyed Any compensation payable under this subsection shall be recoverable summarily as a civil debt.

(3) Section 122 of the Public Health Act 1875 shall extend and apply to the provision by the Council of means for cleansing disinfecting destroying and removing articles under the provisions of this section. A.D. 1931.

84.—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Council may require any existing closet accommodation (including any closet which drains into a cesspit and a slop-closet and trough-closet but not including a water-closet of any other description) provided at or in connection with any building to be altered so as to be converted into a fresh water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building. Conversion of existing accommodation into water-closets.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing :

Provided that the Council shall bear and pay such part of the expenses incurred by them (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under this section shall state the effect of the provisions of this section.

85.—(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. Byelaws as to tipping refuse.

(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

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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.

(5) 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.

Byelaws as
to refuse.

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

Regulation
dustbins.

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

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

(3) The foregoing provisions of this section shall not apply to any covered ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are portable properly covered and of suitable material size and construction and in proper order and condition. A.D. 1931.
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(4) 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 them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner 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.

88. 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.

Byelaws as
to stables.

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As to
infected
stables and
other
places.

89.—(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.

Discon-
tinuance of
offensive
trade.

90.—(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.

(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. A.D. 1931.

(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.

91. It shall be lawful for a court of summary jurisdiction upon complaint by the Council upon a report by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney of a washhouse or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the district to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas vapour or such other means to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding ten pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Power to order alteration of chimneys.

92.—(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.

(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

A.D. 1931. — 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.

93.—(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 unless it is 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 stallholder travelling with a travelling show 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.

94.—(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 inspection 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.

95.—(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

A.D. 1931. such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

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

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

96. 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
tuberculo-
sis from
handling
&c. food.

97.—(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. A.D. 1931.

(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.

98.—(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.

99.—(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;

Registration of ice-cream manufacturers and premises.

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

A.D. 1931. be used for the purposes aforesaid unless they be so registered.

(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
regulating
manufac-
ture and
sale of ice-
cream &c.

100.—(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. A.D. 1931.

101.—(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.

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.

102. 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.

103.—(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

Penalty on original vendor of unsound meat.

A.D. 1931. — possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

(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 afore-said 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.

104. 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

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reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly :

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

105.—(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.

106. 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.

A.D. 1931.

Byelaws as
to lodging-
houses.

107. 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 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.

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

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

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

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Council object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Council and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and

until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question. A.D. 1931.

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

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

109.—(1) At any time after the passing of this Act the Council may—

(a) acquire by agreement any premises within the district used for the purpose of slaughtering cattle sheep goats or swine (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

(b) agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of three years from the passing of this Act and after the Council have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Minister) and after the expiration of six months from the date of publication by the Council in a local newspaper circulating in the district of notice to that effect no person shall slaughter in the way of trade any cattle sheep goats or swine within the district except in a slaughter-house provided by the Council but this restriction shall not apply to the

Provisions of public slaughter-houses and prohibition of private slaughter-houses thereafter.

A.D. 1931. slaughtering on premises by the owner lessee or occupier thereof of any cattle sheep goats or swine belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person act in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(3) The Council shall pay or tender compensation to the owner and occupier of any slaughter-house registered prior to the passing of the Public Health Act 1875 and of any slaughter-house the licence in respect of which is not required to be renewed periodically or is not revocable by the Council and (in either case) closed under the provisions of this section and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly Provided that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

(4) The fees and charges to be demanded and received by the Council in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Minister and the Council may make byelaws accordingly Provided that the Council shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Council and the renters.

(5) Nothing in this section shall interfere with the operation or effect 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.

Extension
of section
169 of
Public
Health Act
1875.

110.—(1) The provisions of section 169 (Power to provide slaughter-houses) of the Public Health Act 1875 shall be extended so as to empower the Council in connection with any slaughter-houses provided by them in pursuance of the said section to erect and maintain furnish fit up and equip all necessary buildings pens yards

railway sidings works and conveniences approaches buildings stalls standings and other accommodation and to use the same for the purposes of the said slaughter-houses. A.D. 1931.

(2) The Council may lease for such period let or otherwise permit the use of in such manner and for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughter-houses or lairages erected by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

111.—(1) Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the district so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds. Penalty for throwing rubbish into streams.

(2) No proceedings shall be instituted under this section in relation to any river stream or watercourse within the limits of the jurisdiction of the Port of London Authority.

112.—(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. Notice to be given of this Part of Act.

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

PART VI.

STREET TRADING.

113. From and after the first day of April one thousand nine hundred and thirty-two it shall not be lawful for any person to sell or expose or offer for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the district without a licence from the Council authorising him so to do. Licensing of street traders. Provided that this section shall not apply

A.D. 1931. — to any person selling or exposing or offering for sale any article or thing from or upon any barrow cart stall or other receptacle which he ordinarily moves from place to place in pursuit of and while conducting his trade.

Applica-
tions for
licences &c.

114.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Council and shall in such application state his full name and address and the nature of the articles and things which he intends to sell or expose or offer for sale under the authority of the licence if granted the place (if any) at which the articles or things will be stored by him before any sale or exposure or offer for sale and the street or streets or area in which he intends so to sell or expose or offer for sale. In the case of any person intending to sell or expose or offer for sale as aforesaid any article or thing on or within one month after the first day of April one thousand nine hundred and thirty-two such application shall be made not later than the first day of March one thousand nine hundred and thirty-two.

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

- (a) on account of misconduct or for any other sufficient reason he is in their opinion unsuitable to hold such licence; or
- (b) the space available in the street or streets or area to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of such licence insufficient for the selling or exposing or offering for sale by the applicant or licensee of any articles or things under the authority of a licence under this Part of this Act or of the particular articles or things referred to in the application or licence without causing undue interference with or inconvenience to the traffic in such street or streets or area; or

(c) the street or streets to which the application relates is or are not a street or streets ordinarily prescribed by the Council in licences granted by them pursuant to this Part of this Act; A.D. 1931.

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

Provided also that the operation of this subsection shall be subject to the provisions of the section of this Act of which the marginal note is " For preventing interference with traffic."

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

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

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

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

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

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

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

A.D. 1931.
—
For pre-
venting
interference
with traffic.

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

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

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

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

the Acts relating to the relief of the poor for the purposes of those Acts. A.D. 1931.

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

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

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

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

117. Every licence granted or renewed under this Part of this Act shall unless revoked be valid for a period of one year or in the case of any licence granted or renewed otherwise than at any annual meeting fixed by the Council for the purpose of considering applications under this Part of this Act for a period expiring on the thirty-first day of March next after the date of such grant or renewal: Duration of licences.

Provided that every such licence granted before the thirty-first day of March one thousand nine hundred and thirty-two shall unless revoked be valid until the thirty-first day of March one thousand nine hundred and thirty-three or the date of any annual meeting held by the Council in the year one thousand nine hundred and thirty-three for the purpose of considering

A.D. 1931. — applications under this Part of this Act (whichever of those dates shall be the earlier).

Appeals
against
refusal or
revocation
of licences.

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

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

Byelaws as
to trading
under
licences.

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

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

(f) the amount of the charges which may be made by the Council; A.D. 1931.

(g) penalties for the breach of any such byelaws :

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

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

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

120. The Council may make and recover from persons licensed by them under the provisions of this Part of this Act charges not exceeding the amount of the charges prescribed by byelaws made under this Part of this Act. Power to Council to make charges for certain services.

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

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

A.D. 1931.

(2) Provided that a person who has appealed to a petty sessional court (except against a refusal to grant a new licence) in accordance with the provisions of the section of this Act of which the marginal note is " Appeals against refusal or revocation of licences " or to a court of quarter sessions in accordance with the section of this Act of which the marginal note is " As to appeal " shall not be liable to any proceedings under this section for the offence of selling or exposing or offering for sale in the street or streets or area specified in his application any article or thing as aforesaid without a licence until such appeal has been heard and determined or has been abandoned.

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

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

Saving for London Traffic Act 1924 and other enactments.

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

Saving for legal markets.

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

PART VII.

PARKS BATHS PUBLIC BUILDINGS &C.

Power to provide town hall.

126.—(1) The Council may on land belonging to them or acquired by them for the purpose erect and construct and hold furnish equip maintain insure and carry on a town hall council chamber municipal offices

fire brigade accommodation and other buildings and premises for carrying on the business of the Council with all necessary and suitable offices conveniences approaches and works in connection therewith. A.D. 1931.
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(2) The Council may in connection with or as part of the said town hall buildings and premises provide erect and maintain shops offices and other accommodation and conveniences and may let the same on lease or otherwise or any part or parts of the same for such purposes on such conditions and for such periods as they think fit.

127. Subject to the provisions of this Act—

(1) The Council may construct on lands belonging to them and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered swimming and other baths and bathing pools with all necessary conveniences and appliances :

As to baths
and bathing
pools.

(2) The Council may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Council may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make :

(3) The Council may also lay down and provide such intake pipes apparatus and fittings as may be incidental to or necessary for supplying water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the

A.D. 1931.

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 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.

128. 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.

Power to appoint officers.

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

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

Power of constables to enforce

130. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Council under the provisions of

the Public Health Act 1875 or any Act or Order for the time being in force within the district relating to any park or place of public resort or recreation ground under the control of the Council as is given to the servants of the Council by the byelaws for the time being in force under the said provisions. A.D. 1931.
—
byelaws
as to
parks &c.

PART VIII.

FINANCIAL.

131.—(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 shall be the prescribed period for the purposes of this Act or of any enactment incorporated therewith or applied thereby. 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 or of any enactment incorporated therewith or applied thereby.

(3) The provisions of this section shall not limit the powers conferred on the Council by section 28 of the Act of 1928 to use one form of mortgage for all purposes.

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

[A.D. 1931.]

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

(3) All bonds issued under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Council.

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

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

Consoli-
dated loans
fund.

133.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-two the Council may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) all moneys borrowed by the Council whether by the issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council— A.D. 1931.

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

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

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as the "lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and
- (b) 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 average rate of interest payable by the Council on their current borrowings.

A.D. 1931.

(5) Subject to any priority existing at the passing of this Act all bonds 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 another without any priority whatsoever.

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

(7) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

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

Scheme for
equated
periods.

134.—(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.

(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. A.D. 1931.

(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.

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

136.—(1) When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund or loans fund or a reserve renewals repairs depreciation contingent insurance or other similar fund the appropriate yearly sums and the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Council and the sums authorised to be paid into any such reserve renewals repairs depreciation contingent insurance or other fund and the accumulations thereof (if any) Payments into sinking fund and other funds.

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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.

(2) Section 29 of the Act of 1928 is hereby repealed.

Incorporation of financial provisions of Act of 1928.

137. The provisions contained in the sections of the Act of 1928 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and for the purposes of this Act as if they were with any necessary modifications re-enacted in this Act (that is to say):—

Section 23. (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 24. (Mode of raising money);

Section 25. (Mode of payment off of money borrowed);

Section 33. (Application of money borrowed);

Section 37. (Protection of lender from inquiry);

Section 40. (Appointment of receiver).

Closing of registers.

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.

Recovery of rate from persons removing.

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

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

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—
Insurance
fund.

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

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

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

- (a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Council fully insured in

A.D. 1931.

some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

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

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

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

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall (subject to the provisions of this Act) be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds but when and so long as the fund amounts to the sum of one hundred and fifty thousand pounds the interest and annual proceeds of the securities may be carried to the credit of the general rate fund and apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the

insurance fund in such shares or proportions as may be equitable. A.D. 1931.

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

141.—(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 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

A.D. 1931. — may be the annual charge to revenue in respect of such expenses.

Subscriptions to local government associations and other expenses.

142. 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.

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

PART IX.

MISCELLANEOUS.

Stopping up certain footpath.

144. The Council may stop up and discontinue the public footpath numbered 8 on the deposited plans which crosses lands acquired by the Council under the Act of 1928 for parks playing fields and open spaces.

Power to sell certain lands.

145.—(1) In this section the expression “the specified plots” means the plots of land described in the Third Schedule to this Act.

(2) The Council shall have power to sell the specified plots in manner provided by the Law of Property Act 1925 as if the Council were a mortgagee under a mortgage made by deed and the specified plots were the mortgaged

property under such deed and the events and conditions which under that Act would entitle such mortgagee forthwith to exercise the power of sale conferred by that Act with respect to such mortgaged property had occurred and been fulfilled and all provisions of that Act with respect to sale of mortgaged property by the mortgagee thereof shall so far as applicable and with any necessary modifications extend and apply to a sale by the Council of the specified plots in pursuance of this section : A.D. 1931.

Provided that—

- (a) for the purposes of such application of section 105 (Application of proceeds of sale) of that Act the expression “the mortgage money “interest and costs and other money if any “due under the mortgage” shall be construed to mean with respect to each of the specified plots the sum apportioned on that plot in the final apportionment made by the surveyor of the Romford Rural District Council (of whose rural district the specified plots at the date of such apportionment and until the first day of April one thousand nine hundred and twenty-six formed part and to whose rights in respect of the sums so apportioned the Council on the first day of April one thousand nine hundred and twenty-six succeeded) in pursuance of the provisions of the Private Street Works Act 1892 in respect of certain private street works executed by the said Romford Rural District Council in the month of August one thousand nine hundred and eleven together with interest on the said sum at the rate of five per centum per annum from the date of such final apportionment; and
- (b) the residue referred to in the said section 105 after payment and discharge of the items first and secondly in that section mentioned instead of being forthwith paid by the Council to the persons entitled to the specified plots respectively or authorised to give receipts for the proceeds of the sale thereof shall be paid into a deposit account at a bank in the name of the Council and accumulated in such

A.D. 1931.

account at interest pending receipt by the Council of any claim by any person lawfully entitled thereto; and

- (c) if no such claim shall be received by the Council within five years after the date of the sale and verified to their satisfaction in respect of the whole or any part of the amount accumulated in such deposit account the Council after giving such public notice (if any) as the Minister may require shall apply the sum for which no claim shall be so received and verified to such purposes and in such manner as the Minister may permit or direct.

Accept-
ance of
gifts of
property.

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.

(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.

Power to
erect
weigh-
bridges.

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.

(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. A.D. 1931.
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(4) The Council shall not erect or allow the use of any such weigh-bridge weighing machine or offices so as to interfere with or render less convenient the access to or exit from any station or 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 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. Power to grant allowances or gratuities in certain cases.

(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.

149. It shall be lawful for the Council in any library provided by them— Provision of lectures.

(a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council think fit and to let such rooms and to make reasonable charges for admission to such lectures; and

(b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions :

Provided that the sum to be expended by the Council in any one year on the provision of lectures shall not exceed the sum of three hundred pounds after deducting any moneys received by the Council under the provisions of this section.

A.D. 1931.
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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.

Noise
nuisance.

151.—(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.

Committees
of Council.

152. 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.

Penalty on
occupiers
refusing
execution
of Act.

153. 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 IV (Streets buildings sewers and drains) 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. A D. 1931.

154. 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 IV (Streets buildings sewers and drains) and Part V (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

155. 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 Provided that as respects byelaws made under Part VI (Street trading) of this Act the Secretary of State shall be substituted for the Minister. General provisions as to byelaws.

156. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments authority &c.

A.D. 1931.

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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.

Damages and charges to be settled by court.

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.

Appointment of deputies of certain officers.

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.

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

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. A.D. 1931.
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 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 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 to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Several sums in one summons.

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. Informations by whom to be laid.

165. 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. Recovery of penalties &c.

A.D. 1931.

Penalties
to be paid
over to
treasurer.

166. 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.

Compensa-
tion how to
be deter-
mined.

167. 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.

Application
of Arbitra-
tion Act
1889.

168. 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.

Saving for
indict-
ment &c.

169. 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.

Application
of section 265
of Public
Health Act
1875.

170. 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.

Applica-
tion of
provisions
of Act of
1928.

171. The following sections of the Act of 1928 shall extend and apply to the purposes of this Act as if they were with any necessary modifications re-enacted in this Act (that is to say) :—

Section 45 (Powers of Act cumulative);

Section 47 (Judges not disqualified);

Section 48 (Inquiries by Minister of Health).

Crown
rights.

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

[21 & 22 GEO. 5.] *Dagenham Urban*
District Council Act, 1931.

[Ch. xcv.]

173. 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.

A.D. 1931.
—
Costs of
Act.

A.D. 1931.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

1. All that triangular piece or parcel of land containing 1230 square yards or thereabouts situate on the northern side of Green Lane to the east of the cottages known as Parkside Cottages and extending from the eastern boundary fence of the said cottages for a distance of 126 yards or thereabouts in an easterly direction and bounded on the northern side by the southern boundary of the ditch adjoining the lands belonging to the Essex County Council and used as small holdings.

2. All that piece or parcel of land containing 510 square yards or thereabouts situate on the eastern side of Wood Lane at its junction with Green Lane and extending from the southern boundary fence of the house known as No. 1 Archer's Cottages for a distance of 44 yards or thereabouts in a northerly direction along the eastern boundary of Wood Lane and having a depth along the southern boundary adjoining Archer's Cottages of 14 yards or thereabouts and on the northern boundary of 11 yards or thereabouts.

SECOND 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

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

together produce the actual amount of money for the time being authorised to be borrowed by the Council. A.D. 1931.

(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.

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

A.D. 1931.

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

No.

URBAN DISTRICT OF DAGENHAM.

DAGENHAM COUNCIL BONDS.

per centum Dagenham Council bond repayable at par
19 at the

This is to certify that _____ of
_____ is the registered holder of an urban
district council of Dagenham bond for _____ pounds (£ _____)
issued by the Council under the Dagenham 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.

DAGENHAM COUNCIL BONDS.

I

in consideration of the sum of _____ paid by
_____ (hereinafter called
“the transferee”) do hereby assign and transfer to the said
transferee:—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the said transferee do hereby agree to accept and take the 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 Dagenham Council bonds” and shall endorse on the deed of transfer a notice of that entry.

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(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.

(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

A.D. 1931. 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.

THIRD SCHEDULE.

THE SPECIFIED PLOTS.

1. Two pieces or parcels of land situate on the northern side of Whalebone Grove and on the eastern side of the house known as Alpine Villa each of such portions measuring 100 feet on the western and eastern sides thereof and 16 feet on the northern and southern sides thereof.

2. A piece or parcel of land situate on the southern side of Whalebone Grove adjoining the property known as 30 Whalebone Grove and containing a frontage to such grove of 16 feet and measuring 56 feet 4 inches on the western side thereof and 54 feet 5 inches on the eastern side thereof and 15 feet 10 inches on the southern side thereof.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

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or through any Bookseller.