



## CHAPTER lxxvii.

An Act to confer upon the Southgate Urban District Council various powers with respect to streets and buildings in their district and with respect to the health local government and sanitation of the district and to empower the Council to establish superannuation and pension funds and for other purposes.

A.D. 1913.

[15th August 1913.]

**W**HEREAS the urban district of Southgate in the county of Middlesex (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Southgate Urban District Council (in this Act called "the Council"):

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

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 the following adoptive Acts are in force within the district (namely):—

The Infectious Disease (Prevention) Act 1890;

The Baths and Washhouses Acts 1846 to 1899;

The Public Health Acts Amendment Act 1890 :

[*Price 3s. 3d.*]

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And whereas by an order of the Secretary of State for the Home Department dated the seventeenth day of January one thousand nine hundred and twelve section 81 and the whole of Parts VIII. and IX. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district:

And whereas by an order of the Local Government Board dated the twelfth day of February one thousand nine hundred and twelve the whole of Parts III. V. VI. and X. and certain sections in Parts II. and IV. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district subject to certain conditions and adaptations specified in the said order:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Southgate Urban District Council Act 1913.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Streets and Buildings.

Part III.—Sewers and Drains.

Part IV.—Watercourses.

Part V.—Infectious Diseases.

Part VI.—Sanitary Provisions.

Part VII.—Superannuation and Pensions.

Part VIII.—Financial.

Part IX.—Miscellaneous.

Interpreta-  
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incor-



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porated herewith or by the Public Health Acts have the same A.D. 1913.  
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 Southgate in the  
county of Middlesex;

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

“The clerk” “the medical officer” “the surveyor” and  
“the inspector of nuisances” mean respectively the  
clerk the medical officer of health the surveyor and  
the inspector of nuisances of the district and respec-  
tively include any person duly authorised to discharge  
temporarily the duties of those offices;

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

“Occupier” means the person for the time being in actual  
occupation or possession of the lands with reference to  
which that term is used;

“The Public Health Acts” means the Public Health Act  
1875 and any Act or Acts amending the same;

“Infectious disease” means any infectious disease to which  
the Infectious Disease (Notification) Act 1889 is applic-  
able within the district;

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

“Statutory security” means any security in which trustees  
are for the time being by or under any Act of Parlia-  
ment 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 trans-  
ferable by delivery or any securities of the Council;

“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

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off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.

STREETS AND BUILDINGS.

Council may  
define future  
line of  
streets.

4. (1) When any street or road repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which the Council propose to prescribe and define in the case of any street shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Council may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Council sell the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.



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(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept. A.D. 1913.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall offend against this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

5. Where in the opinion of the Council a new street not being a back street will form a continuation of or means of communication with a main thoroughfare in the district or a continuation of or means of communication with a main approach to the district the Council may if they see fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may see fit and the Council shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Lands Clauses Acts : Width of  
new streets  
in certain  
cases.

Provided always that the Council may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

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All moneys payable by the Council by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

Further provisions as to new streets.

6. When a road or lane within the district is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is about to be built on the Council may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force within the district require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road or lane shall be built on the Council shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Council.

Intersecting streets.

7. No street shall be laid out of more than three hundred yards in length without an intersecting street at intervals of not more than three hundred yards in any such street. 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:

Provided that the powers of this section shall not be exercised as respects the area of land in the district known as the Grovelands Estate so as to deprive the parties to an indenture of conveyance dated the first day of December one thousand nine hundred and eleven and made between John Vickris Taylor of North Aston Manor Deddington in the county of Oxford late a captain in His Majesty's Welsh Regiment John Walker Ford of The Croft Shalford in the county of Surrey Esquire and Herbert Wentworth Cassels of Juniper Hill Rickmansworth in the county of Hertford Esquire of the one part and the Council of the other part of any of their rights and privileges under the covenants and conditions contained in the said indenture.



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8. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the district be deemed to be a new street.

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Continuation  
of existing  
street to be  
deemed new  
street.

9.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

No building  
allowed till  
street de-  
fined.

(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.

10. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected and which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Council approve and shall be built substantially in accordance with specifications plans and sections to be submitted to and approved by the Council and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Council may remove alter or pull down any work begun or done in contravention of this section and recover the expenses from such person summarily.

Erection of  
bridges.

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

Erection of  
buildings to  
greater  
height than  
adjoining  
buildings.

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

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Elevation of  
buildings  
erected on  
front lands to  
be subject to  
approval of  
Council.

**12.** All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Council and in case the Council for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof 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 The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Means of  
escape from  
buildings in  
case of fire.

**13.—**(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall 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 means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(3) Nothing in this section contained shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.



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(4) 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. A.D. 1913.

14. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the district regulating the construction of buildings the Council shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):—

As to buildings of iron steel or reinforced concrete.

(1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Council accompanied by complete plans sections and elevations of the proposed buildings with such details and other particulars as to the construction thereof as may be required by the Council:

(2) The Council if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars:

(3) The Council may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to plans sections elevations details and particulars to be deposited with the Council and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

15. The Council may make byelaws with respect to the following matters (viz.):—

Power to make bye-laws.

(1) 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

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buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:

(2) 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:

(3) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Council if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Council may approve.

Area of  
habitable  
rooms.

**16.**—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and thirty-two square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than sixty square feet.

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

Sanitary con-  
veniences for  
workmen en-  
gaged on  
buildings.

**17.**—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the district shall where practicable provide to the reasonable satisfaction of the Council and until the completion of any such work or operation such water or other closets and urinals in or in connection with such building as may be sufficient for the accommodation of the workmen employed.

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

Street order-  
ly bins.

**18.** The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the district of such dimensions and in such positions as after consultation with the Commissioner of Police of the Metropolis they may from time to time determine.



**19.**—(1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other débris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or cause the houses in such street to be flooded.

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For prevent-  
ing soil sand  
and other  
débris from  
being washed  
into streets.

(2) If any person shall for one month after notice in writing from the Council fail in any respect to comply with the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

**20.** Where premises abutting upon any street are so situate that any surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of a notice by the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For prevent-  
ing water  
flowing on  
footpath.

**21.** Sections 69 and 70 of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Acts shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Council may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Prevention  
and removal  
of projections  
over street.

**22.**—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Council may themselves

Trees or  
shrubs over-  
hanging  
streets and  
footpaths.

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--- damage.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and 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 such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Courts to be  
flagged.

**23.** The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging asphalt concrete or paving and drain in good repair And if such owner or owners for one month after notice in writing from the Council fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners summarily.

As to water-  
works of  
Metropolitan  
Water  
Board.

**24.** This Part of this Act shall not apply to any building or part of a building (not being a dwelling-house) now or hereafter belonging to or leased by the Metropolitan Water Board and used by them for or in connection with the supply of water.

PART III.

SEWERS AND DRAINS.

Separate  
sewers for  
surface  
water and  
sewage may  
be required.

**25.—(1)** The Council may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").



(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly Provided that the provisions of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

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(3)—(a) Where in any street separate sewers for sewage and surface-water shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Council.

(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.

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and the surface-water drainage thereof and the Council may if they think fit make all such alterations.

26. If in any street not repairable by the inhabitants at large the Council for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Council may  
require en-  
larged sewer.



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Council may  
order houses  
&c. to be  
drained by a  
combined  
drain.

**27.**—(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.

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

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

Amendment  
of section 19  
of Public  
Health Acts  
Amendment  
Act 1890.

**28.** The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Power to lay  
drains in  
private  
streets.

**29.** The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Council may  
make com-  
munication  
between  
drains and  
sewers.

**30.** If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated



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cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose. A.D. 1913.

**31.**—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws of the Council relating to the drainage of existing buildings. Reconstruction of drains.

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

**32.**—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the surveyor twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so. Notice of intention to repair drains.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Council authorised in writing by the clerk for the purpose of inspection.

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

**33.** Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain shall be laid re-laid or amended or re-made as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Council may cause the drain in respect of which such conviction has been obtained to be laid re-laid or amended or re-made as the case may require and may recover from such person in a summary manner as a civil debt the expenses incurred by them in so doing. Power to reconstruct drain if laid in contravention of Public Health Act 1875.

**34.**—(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 Improper construction or repair of watercloset or drain.

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(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 had 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.

Soil-pipes to  
be ventilated.

**35.**—(1) The soil-pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 (Water or stack pipes not to be used as ventilating shafts) of the Public Health Acts Amendment Act 1907 by such other method as the Council shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Wilful  
damage to  
drains water-  
closets &c.

**36.** If any person causes any drain watercloset earth-closet 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.

Saving for  
Metropolitan  
Water Board.

**37.** Nothing in this Part of this Act shall apply to any building (not used as a dwelling-house) or work constructed or



which may hereafter be constructed by the Metropolitan Water Board in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by the said Board for the purposes of their undertaking with the authority of Parliament. A.D. 1913.

#### PART IV.

##### WATERCOURSES.

**38.**—(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Council may subject as hereinafter provided require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse: Watercourse not to be covered in except in accordance with approved plan.

Provided that—

(A) No requirement of the Council under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

(b) If with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council.

(2) If any difference shall arise between the Council and such owner as to the expediency or necessity of the works required by the Council to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) 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.

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Watercourse  
choked up to  
be a nuisance  
under Public  
Health Act  
1875.

**39.** Any river stream or watercourse or any part or parts thereof respectively so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

As to cover-  
ing in of  
ditches &c.

**40.** If any watercourse or ditch in the district situate upon land laid out for building or on which any such land abuts requires in the opinion of the Council to be wholly or partially filled up or covered over the Council may by notice in writing require the owner of such land before any building is commenced or proceeded with to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch a pipe drain or culvert with all necessary shoots and means of conveying surface water thereinto All works required by the Council to be done under this section shall be completed to the satisfaction of the surveyor before any building operations on such land are proceeded with Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

Provided that nothing in this section shall authorise the Council to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land laid out for building without the consent of such person save and except in the case of an owner of land already laid out for building in which case no consent shall be necessary.

Council may  
take pro-  
ceedings for  
preventing  
obstructions  
in water-  
courses.

**41.** The Council may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourse or outfall for water within the district or for the removal of any obstruction from any watercourse or outfall for water.



**42.** Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the district so as to interfere with the due flow of water in any such stream or brook shall be liable to a penalty not exceeding five pounds. Provided that before taking proceedings under this section the Council shall give notice in writing thereof to the clerk to the Middlesex County Council.

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Penalty for throwing rubbish into streams.

**43.** The provisions contained in this Part of this Act shall not apply to the watercourse commonly known as the New River.

Protecting New River.

## PART V.

### INFECTIOUS DISEASES.

**44.** If any person shall at the request of the Council or of the medical officer stop 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 stoppage.

Compensation to persons ceasing employment.

**45.—(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.

Information to be furnished to medical officer and penalty for furnishing false information.

(2) Any occupier knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

**46.—(1)** 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 (Notification of infectious disease) 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

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

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A.D. 1913. from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Removal of  
body of  
person dying  
of infectious  
disease.

47. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the district 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 when any such notice shall have been given it shall not be lawful to transport any 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.

PART VI.

SANITARY PROVISIONS.

Defining es-  
tablishing of  
an offensive  
business.

48. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having being wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.



**49.**—(1) Any officer duly authorised by the Council in A.D. 1913.  
that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned. Inspection of premises of dealer in ice-cream.

(2) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

**50.**—(1) If the medical officer has reasonable cause to suppose that any house is infested with vermin he or the inspector of nuisances may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin. House infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer it appears to the Council that any house is infested with vermin the Council shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Council may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Council in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

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(4) Every person who shall wilfully obstruct any authorised officer or servant of the Council in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Council was reasonable and as to whether the costs and 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 the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Extension of  
section 49 of  
Public  
Health Acts  
Amendment  
Act 1907.

**51.** Section 49 (Summary power to provide sinks and drains for buildings) of the Public Health Acts Amendment Act 1907 shall be construed and have effect as if the expression "building" therein had been "building or tenement."

Provisions as  
to house  
without  
water  
supply.

**52.** The owner of any dwelling-house or tenement which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house or tenement was erected before the passing of this Act and such supply is not available.

Regulation  
dustbins.

**53.** The Council may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron (or enamelled iron) dustbins for the convenient removal of house refuse and such dustbins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Provided that this section shall not authorise the Council to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

Prohibition  
of blowing  
or inflating  
carcasses.

**54.—(1)** It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district.



(2) Any person who shall offend against the provisions of subsection (1) of this section or shall expose or deposit for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings. A.D. 1913.

**55.** If at any time it appears to the Council that in any tenement house within the district sufficient and suitable accommodation for the cooking and storage of food is not provided for the use of each family occupying such house on the storey or one of the storeys in which are situate the rooms or lodgings in the separate occupation of such family the Council may cause notice to be served on the owner of such house requiring him within such reasonable time as may be specified in the notice to provide sufficient and suitable accommodation for the purpose aforesaid and any owner failing to comply with any such requirement within the period prescribed in the notice shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings:

As to accommodation for cooking and storage of food in tenement houses.

Provided that this section shall not apply to any tenement house used or occupied as such before the passing of this Act.

## PART VII.

### SUPERANNUATION AND PENSIONS.

#### *Definitions.*

**56.** In this Part of this Act unless otherwise provided or the context otherwise requires the expression— Interpretation in this Part of Act.

“Officer” means every officer now or hereafter in the service of the Council and designated an officer in an established capacity for the purposes of this Part of this Act by a resolution of the Council passed or to be passed Provided that nothing in this definition shall be deemed to exclude an officer who by consent of the Council holds other appointments;

“Servant” means every servant or workman in the permanent employ of the Council and duly placed on the establishment staff for the purposes of this Part of this Act by a resolution of the Council passed or to be passed;

“Service” means in the case of an officer or servant appointed prior to the passing of this Act the whole

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period of his service under the Council and in all other cases service as an officer or servant from and after the date on and from which such officer or servant shall have been designated or placed on the establishment (as the case may be) for the purposes of this Part of this Act Provided that in no case shall any service by any officer or servant before he shall have attained the age of twenty years be taken into account;

“Aggregated service” means any service which shall be aggregated and reckoned in accordance with the provisions of the section of this Act whereof the marginal note is “Aggregated service”;

“Emoluments” includes all fees poundage and other payments made to any officer or servant as such by the Council for his own use also the money value of any apartments rations or other allowance in kind appertaining to his office or appointment but does not include casual payments or gratuities or payments in respect of overtime;

“Joint appointment” includes any office the tenure whereof is determined by the death removal resignation or incapacity of the holder of another office under the Council;

“Superannuation fund” means a fund to be established and administered by the Council in the manner described and provided in the section of this Act whereof the marginal note is “Superannuation fund”;

“Pension fund” means a fund to be established and administered by the Council in the manner described and provided in the section of this Act whereof the marginal note is “Pension fund.”

*First Part—Superannuation.*

Title of  
officers to  
superannua-  
tion allow-  
ances.

57. Subject to the provisions of this Act every officer who shall be a contributor to the superannuation fund and shall have completed ten years' service or aggregated service and shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body (other than permanent incapacity due either to his own wilful misconduct or to an injury in respect of which he claims



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and receives compensation under the Workmen's Compensation Act 1906 or any scheme made thereunder) or of old age or who shall have attained the age of sixty years and have completed a service or aggregated service of forty years or who shall have attained the age of sixty-five years shall be entitled on resigning or otherwise ceasing to hold his office or employment to receive during life out of the superannuation fund a superannuation allowance according to the scale by this Act provided An officer shall not be entitled to an allowance on the ground of old age unless he has completed the age of sixty years. A.D. 1913.

Where an officer has attained the age of sixty-five years he shall cease to hold his office or employment and shall thereafter receive the superannuation allowance to which he may be entitled under this Act Provided that the Council may by resolution and with the concurrence of such officer extend his period of service for one year and so from time to time as they may deem expedient.

**58.** The scale of superannuation allowances to be made to an officer under this Act shall be as follows (that is to say):— Scale of  
superannua-  
tion allow-  
ances.

After ten years' service or aggregated service ten sixtieths of the average amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment;

After eleven years' service or aggregated service eleven sixtieths of such average amount;

And so on up to a maximum after forty or more years service or aggregated service of forty sixtieths of such average amount.

**59.** Subject to the deduction of the increased percentage amounts to be contributed in that behalf as hereinafter provided all periods of service by an officer rendered after he shall have attained the age of twenty years and before his appointment or designation by the Council or their predecessors under and as an officer of or in the carrying out of work for or on behalf of any local authority or authorities (including the Council in respect of any period of service not being "service" as defined in this Part of this Act) shall be aggregated and reckoned for Aggregated  
service.

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A.D. 1913. — the purposes of this Act whether the whole time of such officer has been devoted to such service or not :

Provided that no such period of service shall be so aggregated and reckoned in the case of an officer employed at the passing of this Act where such officer is unable to prove to the reasonable satisfaction of the Council within a period of six months from the passing of this Act that he has been in the service or employment of or engaged in the carrying out of work for or on behalf of any such authority or authorities :

Provided also that an officer appointed prior to the passing of this Act shall be entitled by notice in writing within six months thereafter to require that all or any period or periods of service under any authority or authorities whereof the duties or powers have not been transferred to the Council shall not be so aggregated and reckoned :

And provided further that in the case of an officer appointed subsequently to the passing of this Act no such period of service shall be so aggregated and reckoned unless such officer declares prior to his designation and proves to the satisfaction of the Council within a period of three months from the date of such designation that he has been in the service or employment of or engaged in the carrying out of work for or on behalf of any such authority or authorities and the Council on the application of such officer in such case shall at their discretion direct whether the whole or any part of any such period of service shall or shall not be so aggregated and reckoned.

Forfeiture  
for fraud &c.

**60.** An officer who is dismissed or resigns or otherwise ceases to hold his office or employment in consequence of any offence of a fraudulent character or of grave misconduct shall forfeit all claim to any superannuation allowance under this Act in respect of his previous service or aggregated service Provided that in the case of any such officer the Council may if they see fit return to him out of the superannuation fund a sum equal to one half or less of his contributions under this Act.

Return of  
one half con-  
tributions on  
voluntary  
resignation.

**61.** An officer who has not become entitled to a superannuation allowance and who voluntarily resigns his office or employment shall be entitled to receive a sum equal to one half of his contributions under this Act.



**62.** An officer who has not become entitled to a superannuation allowance and who loses his office or employment by reason of a reduction of staff or of any alteration of areas or boundaries or ceases to hold his office or employment by reason of bodily injury not occasioned by his own default or of any other cause whatever other than his own misconduct shall be entitled to receive a sum equal to the amount of all his contributions under this Act.

A.D. 1913.  
Return of contributions and power to grant gratuities and superannuation allowances in certain cases.

In any such case of loss of office or employment as in this section mentioned other than by reason of reduction of staff or of any alteration of areas or boundaries the Council may also if they see fit grant to such officer a gratuity not exceeding twice the amount of his salary or wages and emoluments during the year ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment but every such gratuity shall be paid out of the district fund or other the revenues of the Council and not out of the superannuation fund.

Provided that when such loss of office or employment occurs in a case in which the death or insanity or illness of one of the holders of a joint appointment vacates the office of the other the officer whose office or employment is so vacated shall unless he is reappointed by the Council and except where in the case of husband and wife the joint appointment is terminated owing to the misconduct of one of them be entitled to receive during life a superannuation allowance according to the scale provided by this Act if such officer has attained the age of fifty years or has served for not less than twenty years.

**63.** In the event of an officer dying before becoming entitled to or receiving a superannuation allowance under this Act the Council shall pay to his legal personal representatives out of the superannuation fund a sum equal to one half of the amount of the contributions made by such officer under this Act.

Return of one half contributions in case of death.

**64.** Special notice in writing shall be given with the ordinary agenda paper to every member of the Council of the time at which any proposal to return contributions to an officer who has been dismissed or resigns or any proposal to grant a gratuity under this Act will be considered.

Notice of proposal to return contributions or grant gratuity.

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Allowance  
not assign-  
able.

Obligations  
of officers to  
contribute.

**65.** Every superannuation allowance granted under this Act shall be payable to or in trust for the officer and shall not be assignable or chargeable with his debts or other liabilities.

**66.** Subject to the provisions of this Act every officer shall from and after the date on or from which he shall have been designated for the purposes of this Part of this Act contribute to the superannuation fund a percentage amount of his salary or wages and emoluments according to the scale provided by this Act such amount to be deducted by the Council from the salary or wages and emoluments payable to him and to be carried to the credit of and form part of the superannuation fund.

Scale of con-  
tributions.

**67.** The percentage amounts to be deducted for the purposes of the superannuation fund shall subject to the provisions contained in the section of this Act whereof the marginal note is "Contributions in respect of aggregated service" be as follows (that is to say):—

In the case of officers with not exceeding five years' service at the passing of this Act or appointed after the passing of this Act three per centum of the annual salary or wages and emoluments ;

In the case of officers with more than five and not exceeding fifteen years' service at the passing of this Act three and one half per centum of the annual salary or wages and emoluments ; and

In the case of officers with more than fifteen years' service at the passing of this Act four per centum of the annual salary or wages and emoluments.

The percentage amounts aforesaid shall be deducted from each and every payment made to officers by way of salary wages or emoluments but such deductions shall not be calculated to fractions of one penny Provided that deductions in respect of emoluments other than monetary payments shall be made by instalments or otherwise as the Council may from time to time direct.

Contribu-  
tions in  
respect of  
aggregated  
service.

**68.** Aggregated service shall not be aggregated or reckoned service for the purpose of ascertaining the percentage amounts to be deducted as provided by the last preceding section of this Act but in the case of any officer entitled to aggregated service



the percentage amounts to be deducted as set forth in the said section shall be increased by one half per centum for each complete period of five years of aggregated service or part thereof to which he shall be entitled. A.D. 1913.

**69.** The Council shall at least once in every year render to each officer contributing to the superannuation fund a statement of account showing the contributions made by him to the fund. Statement of account to be rendered to contributors.

**70.—**(1) The Council shall establish and administer a superannuation fund to which shall be carried and credited— Superannuation fund.

(a) A sum of money ascertained as hereinafter provided and hereinafter called “the primary annual contribution” to be paid annually out of the district fund and the revenues of the Council;

(b) All percentage amounts of salary or wages and emoluments deducted as in this Act provided;

(c) All dividends or interest arising out of the investment of the superannuation fund or any part thereof; and

(d) Such amount out of the district fund and other the several revenues of the Council as may be required to meet any deficiency on the superannuation fund as in this Act provided.

(2) The following shall be charged upon the superannuation fund (namely):—

(a) Superannuation allowances made in pursuance of this Act:

(b) Contributions or parts of contributions returned or paid in pursuance of this Act.

**71.** Within six months after the passing of this Act and at the expiration of every subsequent period of five years dating from the first day of January one thousand nine hundred and thirteen the condition of the superannuation fund shall be submitted by the Council to an actuary being a fellow either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by them who shall consider the same and shall make an actuarial valuation of the superannuation fund and on the basis of such valuation shall certify what proportion in his opinion the primary annual contribution shall bear to the total salaries Actuarial investigation.

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A.D. 1913. — of the officers contributing to the fund so that such proportion shall at all times be as nearly constant and vary as little as may be and so that without further recourse to the district fund or other the several revenues of the Council the superannuation fund as constituted under paragraphs (a) (b) and (c) of subsection (1) of the section of this Act of which the marginal note is "Superannuation fund" shall be solvent having regard to existing and prospective liabilities and for the then ensuing quinquennial period the primary annual contribution shall be the proportion so certified and shall be paid to the superannuation fund accordingly A copy of any valuation and certificate of the actuary under this section shall be forwarded to the Local Government Board.

Case of  
subsequent  
appointment.

**72.** Where an officer in receipt of a superannuation allowance under this Act is appointed to any office or employment by any local authority such allowance shall cease to be paid so long as he continues to hold such office or employment if the salary or wages and emoluments thereof are equal to or in excess of the amount of such allowance and if they are not then only so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency.

Any such person on ceasing to hold such office or employment shall be entitled to revert to and receive the full amount of his original superannuation allowance.

Investment  
of superan-  
nuation fund.

**73.** The Council shall invest any such part of the superannuation fund as may not in their opinion be required to meet payments arising in pursuance of the provisions of this Act in any statutory securities.

Saving for  
existing  
officers.

**74.** Any officer in the service or employment of the Council at the time of the passing of this Act may within three months after the passing of this Act signify in writing to the Council his intention not to avail himself of the provisions of this Part of this Act and in that event it shall not be obligatory on him notwithstanding anything in this Act contained to make any contributions or submit to any deductions from his salary or wages under this Act nor shall he be entitled to receive any superannuation allowance gratuity or other benefit under this Part of this Act.

Application  
to teachers.

**75.—(1)** The Council may at the end of any quinquennial period of actuarial valuation of the fund after they shall have



become the local education authority for the district make and from time to time thereafter may amend a scheme or schemes to admit as contributors to the superannuation fund on such terms and conditions (subject to the provisions of this section) as the Council shall by any such scheme determine teachers who may then or thereafter be permanently and exclusively employed by the Council as the local education authority or in any public elementary school in the district (whether provided by the Council as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Council under the powers in that behalf of section 3 of the Education Act 1902. A.D. 1913.

(2) Any period of service by a teacher prior to the appointed day under the Education Act 1902 shall not be reckoned as a period of service for the purpose of any such scheme as aforesaid.

(3)—(a) In the application of any such scheme as aforesaid to any teacher to whom the Elementary School Teachers (Superannuation) Act 1898 and the Elementary School Teachers (Superannuation) Act 1912 (in this Act referred to as “the Teachers Superannuation Acts”) apply the amount of the superannuation allowance to be made to the teacher upon retirement under the provisions of such scheme shall be complementary to the amount of the deferred annuity to which the teacher is entitled and of the superannuation allowance which may be granted to the teacher under the Teachers Superannuation Acts (in this section hereinafter called “the benefits under the Teachers Superannuation Acts”) and the salary or wages in respect of which he shall contribute to the superannuation fund and receive a superannuation allowance under the provisions of this Part of this Act shall be so much (if any) of the actual salary or wages for the time being receivable by him as shall remain after deducting from such last-named salary or wages a sum equal to one and a half times the amount of the benefits under the Teachers Superannuation Acts receivable by him. Provided that the total amount of the contributions to be so made by him to the superannuation fund shall be at such rate or rates per centum per annum on the salary or wages calculated as aforesaid as the Council on the report of the actuary shall determine to be proper so that the total amount of the contributions made by the teacher at the

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A.D. 1913. time when he shall become entitled to a superannuation allowance under the provisions of this Part of this Act shall as nearly as may be bear the same ratio to the amount of such allowance as the total amount of the contributions made at the like time by any other officer or servant with a like service or aggregated service shall bear to the amount of the superannuation allowance receivable by such officer or servant:

(b) For the purpose of giving effect to the provisions of this subsection the Council shall by resolution from time to time determine the amount of the benefits under the Teachers Superannuation Acts and prescribe a scale determining the rate or rates of contribution aforesaid.

(4) If at any time hereafter by reason of the passing of any general Act of Parliament whether in this or any subsequent session of Parliament provision or increased provision shall be made for the superannuation of teachers the Council shall by an amending resolution make such provision as shall be necessary to meet the altered circumstances and by such resolution shall provide for the return to the teacher or the credit to him in respect of future contributions to the superannuation fund of the amount of any payments made by him to such fund in respect of service before the date of the amending resolution in respect of any part proportion or amount of his salary or wages in excess of the part proportion or amount in respect of which as determined by the said amending resolution he will thereafter be entitled to contribute to and receive an annual allowance from the superannuation fund.

(5) No part of any benefit or superannuation allowance received by any teacher from the superannuation fund shall be deemed to be paid out of or received from public money within the meaning of the said Act of 1898 or any rules made thereunder or otherwise.

Arbitration.

**76.** Any question which may arise between the Council and any officer as to the right to or the amount of a superannuation allowance or the amount of the contribution of such officer shall in default of agreement be submitted to arbitration in accordance with the provisions of the Arbitration Act 1889.

Application  
of provisions  
of Friendly

**77.** The superannuation fund shall not come into operation until the provisions of this Act shall have been registered as



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the rules of a society under the Friendly Societies Act 1896 A.D. 1913.  
and the provisions of that Act (except the proviso to sub- Societies Act  
1896.  
section (1) of section 8 and section 41) so far as they are  
applicable and are not inconsistent with the provisions of this  
Part of this Act shall apply (a) as if the provisions of this Act  
were the rules of a society to which that Act applies (b) as if  
the Council were the trustees of such society (c) as if the  
superannuation fund were the funds of such society (d) as if  
contributors to the fund were the members of such society and  
(e) as if the accounts of the superannuation fund as audited  
by the district auditor appointed by the Local Government  
Board were the annual return of the receipts and expenditure  
funds and effects required by section 27 (Annual returns) of  
the said Act:

Provided that the powers of sections 70 71 73 78 and 79  
of the said Act shall not be exercised without the consent of  
the Council and that the Council shall send to the Registrar  
under the said Act a copy of any certificate and report made  
in pursuance of the section of this Act of which the marginal  
note is "Actuarial investigation."

**78.**—(1) The Council may if they think fit in cases not Power to  
grant gra-  
tuities in  
certain cases.  
within the Workmen's Compensation Act 1906 grant a gratuity  
of any sum (not exceeding one year's pay) to any of their  
officers or servants who may be disabled or injured in their  
service or may become incapacitated through age or other  
infirmity or to the widow or family of any such officer or  
servant who may die in their service.

(2) Every such 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 paid if he had continued in his office or service.

**79.**—(1) The provisions of this Part of this Act shall not Special su-  
perannuation  
of certain  
officers.  
apply to any existing officer of the Council who at the date of  
the passing of this Act shall have attained the age of fifty-five  
years.

(2) Upon the happening in the case of any officer to whom  
this section applies of any of the events which under this Part  
of this Act entitle an officer to superannuation allowance the  
Council shall out of the fund or rate from which the salary of  
such officer would have been paid if he had continued in office

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A.D. 1913. — pay to such officer an annual allowance during life equal to three-fifths of the amount of the superannuation allowance to which the service of such officer would have entitled him under the scale of superannuation allowances laid down by this Act. Provided always that such officer shall during the period (if any) prior to the time when he so becomes entitled to a retiring allowance contribute to the superannuation fund according to the scale of contributions fixed by this Act:

Provided also that in the case of any officer to whom the provisions of this section apply the Council may with the consent of such officer retain him in their service for any period not exceeding one year and so from time to time as the Council may determine:

Provided further that if William Mansfield Ellenor the existing clerk of the Council shall retire from the service of the Council before he becomes entitled to superannuation allowance under the provisions of this section he shall be entitled to an annual allowance during life of one half instead of three fifths of the amount of the superannuation allowance to which his service would have entitled him as aforesaid and such annual allowance shall be paid by the Council out of the rate or fund aforesaid.

*Second Part—Pensions.*

Title of  
servants to  
pensions.

**80.** Subject to the provisions of this Act every servant who shall be a contributor to the pension fund and shall have completed ten years' service and shall become incapable of discharging his duties with efficiency by reason of permanent infirmity of mind or body (other than permanent incapacity due to his own wilful misconduct or to an injury in respect of which he receives compensation under the Workmen's Compensation Act 1906 or any scheme made thereunder) or of old age or who shall have attained the age of sixty years and have completed a service of forty years or who shall have attained the age of sixty-five years shall be entitled on resigning or otherwise ceasing to hold his employment to receive during life out of the pension fund a pension according to the scale by this Act provided.

Where a servant has attained the age of sixty-five years he shall cease to hold his employment and shall thereafter receive the pension to which he may be entitled under this Act. Provided



that the Council may by resolution extend his period of employment for one year and so from time to time as they may deem expedient: A.D. 1913.

And further provided that any servant who in respect of permanent incapacity due to an injury receives under the Workmen's Compensation Act 1906 or any scheme made thereunder compensation of a less amount than the pension to which he would have been entitled if he had been entitled to receive a pension under this section shall be entitled to receive the amount by which such pension exceeds such compensation.

**81.** The scale of pensions to be paid to a servant entitled to a pension pursuant to the provisions of the section of this Act whereof the marginal note is "Title of servants to pensions" who shall have completed thirty years' service and who at the time of ceasing to hold his employment was contributing to the fund shall be as hereinafter set out (that is to say):— Scale of pensions.

Rate of Contribution.			Rate of Pension.		
—			—		
			<i>s.</i>	<i>d.</i>	
Sixpence per week	-	-	11	0	per week.
Sevenpence per week	-	-	12	6	per week.
Eightpence per week	-	-	14	6	per week.
Ninepence per week	-	-	16	0	per week.
Tenpence per week	-	-	18	0	per week.
Elevenpence per week	-	-	19	6	per week.
Twelvepence per week	-	-	21	6	per week.
Thirteenpence per week	-	-	23	0	per week.
Fourteenpence per week	-	-	25	0	per week.
Fifteenpence per week	-	-	26	6	per week.
Sixteenpence per week	-	-	28	6	per week.
Seventeenpence per week	-	-	30	0	per week.
Eighteenpence per week	-	-	32	0	per week.

The above prescribed scale of pensions to be paid to a servant who becomes entitled to and receives a pension before he has completed thirty years' service shall be reduced by one thirtieth for every year's or part of a year's service less than thirty years and such scale of pension to be paid to a servant who becomes entitled to and receives a pension after he has completed thirty years' service shall be increased by one thirtieth for every complete year of service over and above thirty years up to a maximum of forty years' service:

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Provided that any servant who has completed the age of fifty-eight years at the date when he shall have been placed on the establishment for the purposes of this Part of this Act shall not be entitled to a larger pension than three fifths of the amount which under the scale laid down in this Part of this Act he would have been entitled to receive unless he shall have contributed to the fund upon the scale so laid down for a period of not less than seven years.

Obligations  
of servants  
to contribute.

**82.** Subject to the provisions of this Act every servant shall from and after the date on or from which he shall have been placed on the establishment for the purposes of this Part of this Act contribute to the pension fund according to the scale provided by this Act such amount to be deducted by the Council from the wages and emoluments payable to him and to be carried to the credit of and form part of the pension fund.

Scale of con-  
tributions to  
pension fund.

**83.** The amounts to be deducted for the purposes of the pension fund shall be as hereinafter set out (that is to say):—

In the case of servants whose average weekly wages and emoluments other than overtime—

Do not exceed 21s. 6d. per week sixpence per week;

Exceed 21s. 6d. but do not exceed 25s. 0d. per week sevenpence per week;

Exceed 25s. 0d. but do not exceed 28s. 6d. per week eightpence per week;

Exceed 28s. 6d. but do not exceed 31s. 6d. per week ninepence per week;

Exceed 31s. 6d. but do not exceed 35s. 0d. per week tenpence per week;

Exceed 35s. 0d. but do not exceed 38s. 6d. per week elevenpence per week;

Exceed 38s. 6d. but do not exceed 41s. 6d. per week twelvepence per week;

Exceed 41s. 6d. but do not exceed 45s. 0d. per week thirteenspence per week;

Exceed 45s. 0d. but do not exceed 48s. 6d. per week fourteenpence per week;

Exceed 48s. 6d. but do not exceed 51s. 6d. per week fifteenpence per week;



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Exceed 51s. 6d. but do not exceed 55s. 0d. per week A.D. 1913,  
sixteenpence per week;

Exceed 55s. 0d. but do not exceed 58s. 6d. per week  
seventeenpence per week;

Exceed 58s. 6d. per week eighteenpence per week.

**84.**—(1) The Council shall establish and administer a pension fund to which shall be carried and credited— Pension fund.

(A) A sum of money ascertained as hereinafter provided and hereinafter called “the primary annual contribution” to be paid annually out of the district fund and the revenues of the Council;

(B) All contributions of servants deducted as in this Act provided;

(C) All dividends and interest arising out of the investment of the pension fund or any part thereof; and

(D) Such amount out of the district fund and the revenues of the Council as may from time to time be required to meet any deficiency on the pension fund as in this Act provided.

(2) The following shall be charged upon the pension fund (namely):—

(A) Pensions made in pursuance of this Act:

(B) Contributions or parts of contributions returned or paid in pursuance of this Act.

**85.** The sections of the First Part of this Part of this Act whereof the marginal notes are “Forfeiture for fraud &c.” “Return of one half contributions on voluntary resignation” “Return of contributions and power to grant gratuities and superannuation allowances in certain cases” “Return of one half contributions in case of death” “Notice of proposal to return contributions or grant annuity” “Allowance not assignable” “Statement of account to be rendered to contributors” “Actuarial investigation” “Case of subsequent appointment” “Investment of superannuation fund” “Arbitration” and “Application of provisions of Friendly Societies Act 1896” shall with the necessary modifications extend and apply to and for the purposes of the Second Part of this Part of this Act and for such purposes the said sections shall be construed as if the

Application to pension fund of certain sections of First Part of this Part of Act

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A.D. 1913. words "servant" "pension fund" "pension" and "passing of the resolution referred to in the section of this Act of which the marginal note is 'Resolution of Council before pension fund established'" had been substituted therein for the words "officer" "superannuation fund" "superannuation allowance" and "passing of this Act" respectively wherever they occur.

Provisions  
for pensions  
to servants  
over 65 years  
of age.

**86.** Any servant who on the date on which the provisions of this Part of this Act shall come into force has attained the age of sixty-five years who shall cease to continue in the employment of the Council shall be entitled to an allowance during life of three fifths of the amount of the pension to which his service would have entitled him under the scale laid down in this Part of this Act if he had been a contributor to the pension fund and such pension shall be paid out of the rate or revenue from which the wages of such servant were previously paid Provided always that any such servant while remaining in the employment of the Council shall contribute to the pension fund in accordance with the scale laid down in this Act.

Saving for  
servants em-  
ployed at  
passing of  
resolution.

**87.** Any servant in the service or employment of the Council at the time of the passing of the resolution referred to in the next succeeding section of this Act may within three months after the passing of such resolution signify in writing to the Council his intention not to avail himself of the provisions of this Part of this Act and in that event it shall not be obligatory on him notwithstanding anything in this Act contained to make any contributions or submit to any deductions from his wages under this Part of this Act nor shall he be entitled to receive any pension gratuity or other benefit under this Part of this Act.

Resolution of  
Council  
before pen-  
sion fund  
established.

**88.** The provisions of the Second Part of this Part of this Act shall not come into operation unless and until the Council shall pass a resolution declaring that it is expedient to establish a pension fund.

PART VIII.

FINANCIAL.

Power to  
borrow.

**89.—(1)** The Council may independently of any other borrowing power borrow at interest the sum requisite for paying the costs charges and expenses of this Act.



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Any money borrowed under this subsection shall be repaid A.D. 1913.  
within five years from the passing of this Act.

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

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards moneys borrowed for the purpose of paying the costs charges and expenses of this Act the district fund and general district rate:

As regards moneys borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe.

**90.** The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Section 234 of Public Health Act not to apply.

**91.** All moneys borrowed by the Council under this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine. Application of moneys borrowed.

**92.** The following sections of the Public Health Act 1875 (that is to say):— Provision as to mortgages.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases);

shall extend and apply to and in relation to all mortgages made under the powers of this Act.

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A.D. 1913.

Protection of  
lender from  
inquiry.

**93.** Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not  
to regard  
trusts.

**94.** The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Mode of pay-  
ment off of  
money bor-  
rowed.

**95.** The Council shall pay off all moneys borrowed by them under the powers of this Act on mortgage either by equal yearly or half-yearly instalments of principal or of principal and interest combined.

Power to re-  
borrow.

**96.**—(1) The Council shall have power—

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

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to



the original loan shall apply to the moneys borrowed under this section. A.D. 1913.

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

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

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

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

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

**97.**—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment in respect of any of the moneys raised by the Council in pursuance of this Act and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by a statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

Return to  
Local  
Government  
Board.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid (whether such annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government

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A.D. 1913. Board in virtue thereof to be paid) the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Expenses of  
executing  
Act.

**98.** 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) shall be paid out of the district fund or general district rate. Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

PART IX.

MISCELLANEOUS.

Further pro-  
visions as to  
swimming-  
baths and  
open bath-  
ing places.

**99.** Notwithstanding anything to the contrary in the Baths and Washhouses Acts 1846 to 1899 contained the following provisions shall have effect:—

(1) The power of the Council to make byelaws for the management use and regulation of public baths and open bathing-places shall extend to enable them to permit any swimming-bath or open bathing-place to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws. Provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males above eight years old and females respectively and proper costumes worn:

(2) The Council may make a charge for each person using any open bathing-place not exceeding twopence during the hours of ordinary or family bathing and not exceeding fourpence during the hours of mixed bathing.



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

A.D. 1913.

Use of swimming-baths and open bathing-places for exhibitions &c.

**101.** The Council may after consultation with the Commissioner of Police for the Metropolis within the district put up continue remove or discontinue drinking-fountains and cattle-troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively.

Public drinking-fountains.

**102.** The Council may erect or fix street fire alarms in such positions in any street road or public place within the district as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Fire alarms.

**103.** The Council may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor into slabs or blocks of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs blocks bricks concrete mortar or other materials so produced may be utilised by the Council for making and repairing streets or for any other purposes connected with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any sales thereof to the credit of the district fund.

Power to manufacture slabs &c. from destructor refuse.

**104.** The Council may subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time erect on any land belonging to them and not specifically appropriated to other purposes such cottages as they think fit for the habitation of their firemen and

Firemen's cottages.

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A.D. 1913. — may let the said cottages or any of them to such firemen on such terms and conditions and at such rent or free from rent as the Council think fit.

Evidence of  
appoint-  
ments autho-  
rity &c.

**105.** 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.

As to breach  
of conditions  
of consent of  
Council.

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

Penalty on  
occupiers  
refusing exe-  
cution of  
Act.

**107.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts II. and III. 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 two pounds 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. 1913.

**108.** 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 of 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.

In executing works for owner Council only liable for negligence.

**109.** The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Expenses may be declared private improvement expenses.

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

Authentication and service of notices &c.

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

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A.D. 1913.      **111.** The provisions of the following sections of the Public  
Confirmation of byelaws.      Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of  
byelaws);

Section 184 (Confirmation of byelaws);

Section 185 (Byelaws to be printed &c.); and

Section 186 (Evidence of byelaws);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act.

Consent of Council to be in writing.      **112.** All consents given by the Council under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk.

As to appeal.      **113.** 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 this Act or by any conviction or 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.

Apportionment of expenses in case of joint owners.      **114.** Where under the provisions of this Act 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 this Act 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.

Recovery of penalties &c.      **115.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs damages 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 damages and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.



**116.** 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. 1913.  
Recovery of demands.

**117.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts. Compensation how to be determined.

**118.** Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Council authorised in that behalf or by the clerk. Informations by whom to be laid.

**119.** All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund. Penalties to be paid over to treasurer.

**120.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

**121.** The provisions of section 102 (Power of entry of local authority) section 103 (Penalty for disobedience of order) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of Parts II. III. IV. V. and VI. of this Act as if those purposes had been mentioned in the said sections. Application of certain sections of Public Health Act 1875.

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

A.D. 1913.

Inquiries  
by Local  
Government  
Board.

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

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

Powers of  
Act cumulative.

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

For protection of  
London  
County  
Council.

**125.** The provisions of this Act or any byelaws made thereunder shall not apply to or in respect of any lands belonging to the London County Council and forming part of or used in connection with the premises known as the Colney Hatch Asylum at the date of the passing of this Act or to or in respect of any buildings or other property whatsoever of the said Council upon such lands.

Saving for  
Great North-  
ern Railway  
Company.

**126.** Nothing in Parts II. III. or IV. of this Act shall apply to any building (not used as a dwelling-house) or work constructed or which may hereafter be constructed by the Great Northern 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 the said Company for the purposes of their undertaking with the authority of Parliament.



[3 & 4 GEO. 5.] *Southgate Urban District Council* [Ch. lxxvii.]  
Act, 1913.

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

A.D. 1913.  
—  
Crown  
rights.

**128.** The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

Expenses of  
Act.

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