



CHAPTER cxxi.

An Act to make better provision for the Improvement and Health of the Local Government District of Wallasey in the County of Chester and for other purposes. A.D. 1890.

[25th July 1890.]

WHEREAS the local government district of Wallasey in the county of Chester (in this Act called the district) is under the government of the Wallasey Local Board (in this Act called the Board) who are the urban sanitary authority of the district:

And whereas the unrepealed provisions of the following local Acts (besides various orders confirmed by Parliament) are in force within the district (that is to say):—

The Wallasey Improvement Act 1845;

The Wallasey Improvement Act 1858;

The Wallasey Improvement Act 1861;

The Wallasey Improvement Act 1864;

The Wallasey Improvement Act 1867;

The Wallasey Improvement Act 1872:

Which Acts with the said orders are in this Act collectively referred to as the recited Acts and each of the said Acts is separately referred to as the Act of the year in which it was passed:

And whereas it is expedient that the Board should be invested with further powers of control over the foreshore and seashore of their district and that better provision should be made with reference to streets buildings and sewers within the district:

And whereas the Seacombe Ferry Egremont Ferry and New Brighton Ferry with the works connected therewith are vested in and worked and managed by the Board and it is expedient that further powers be conferred upon the Board in relation to those undertakings:

And whereas the Board are the owners of the waterworks and gasworks which respectively supply the district with water and gas

A.D. 1890. and it is expedient that further powers in relation to those undertakings should be conferred upon the Board :

And whereas it is expedient that the powers of the Board in relation to the health and improvement of the district should be enlarged and that the recited Acts should be in divers respects amended :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the Board at a meeting held on the first day of November one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the "Wallasey and Wirral Chronicle" a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas that resolution was published twice in the said "Wallasey and Wirral Chronicle" and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Board at a further special meeting held in pursuance of a similar notice on the second day of January one thousand eight hundred and ninety being no less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament :

And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 Wallasey Local Board Act 1890.

Division of Act into parts. 2. This Act is divided into parts as follows :—
PART I.—Preliminary.
PART II.—Foreshore.

PART III.—Streets Buildings and Sewers.

A.D. 1890.

PART IV.—Private Street Works.

PART V.—Sanitary Provisions.

PART VI.—Water and Gas.

PART VII.—Miscellaneous Provisions.

3. In this Act the following words and expressions have the Interpretation meanings hereby assigned to them unless the subject or context otherwise requires :

“The district” means the local government district of Wallasey in the county of Chester as defined by this Act :

“The Board” means the Wallasey Local Board :

“The foreshore” means and includes the seashore and the foreshore of the River Mersey within the district :

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district :

“The clerk” “the surveyor” “the medical officer of health” and “the inspector of nuisances” mean respectively the clerk the surveyor the medical officer of health and the inspector of nuisances to the Board :

“The district fund” and “general district rate” mean the district fund and general district rate of the district :

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

“The Public Health Acts” means the Public Health Act 1875 and all Acts for the time being in force amending the same :

Subject to the provisions of this Act words and expressions to which meanings are assigned by the Public Health Act 1875 have in this Act the same respective meanings unless the subject or context otherwise requires :

Provided that the expression “superior courts” or “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

4. This Act shall be carried into execution by the Board with all the powers privileges duties obligations and indemnities of the Board as an urban sanitary authority And this Act shall unless otherwise expressed or implied apply only to the district. Execution and limits of Act.

PART II.—FORESHORE.

5. The boundary of the district on the northern or seaward side is hereby declared to be the line of low water of the lowest spring Defining sea and river boundary of district.

A.D. 1890.

tide of the Irish Sea and on the eastern side the River Mersey to the middle of the stream.

Foreshore and vacant land to be street for certain purposes.

5 Geo. 4. c. 83.

6. The foreshore on the northern and eastern boundaries of the district and any unfenced ground adjoining or abutting upon such foreshore or on any street shall for the purposes of sections 28 and 29 of the Town Police Clauses Act 1847 be deemed to be a street and shall for the purposes of the Act passed in the fifth year of the reign of King George the Fourth intituled "An Act for the punishment of idle and disorderly persons rogues and vagabonds in that part of Great Britain called England" so far as such Act is unrepealed and any Act altering affecting or amending the same and for the time being in force be deemed to be a public place Nothing in this Act shall interfere with any right now possessed by the owners of unfenced private land in front of houses or shops to display their wares or merchandise on such private land.

Board may make byelaws as to user of foreshore.

7. The Board may from time to time make byelaws for all or any of the following purposes (that is to say):—

For regulating the erection or placing or continuance on the foreshore or the approaches thereto or any part or parts thereof of any booths tents sheds stands stalls shows exhibitions performances swings roundabouts fishing stakes wreckage or other like erections or things vans photographic carts or other vehicles whether drawn or propelled by animals or persons or steam or other motive power and the playing of any games on the foreshore or any part thereof :

For regulating the selling and hawking of any article commodity or thing on the foreshore :

For regulating the user of the foreshore or any part thereof for riding and driving.

Provisions as to bathing.

8.—(1.) The Board may by resolution from time to time fix and determine and alter the hours during which bathing may take place from those parts of the foreshore within the district which are not comprised in any public bathing place or any stand for bathing machines.

(2.) And any person who shall undress on the foreshore or bathe in the sea or River Mersey within the district except from a bathing machine or from a public bathing place or from a boat distant from the shore not less than one hundred yards and from any stand for ladies' bathing machines not less than two hundred yards at any other time than between the hours so appointed shall for every such offence be liable to a penalty not exceeding forty shillings.

(3.) And the Board may from time to time make byelaws for the preservation of decency and order at public bathing stations on the

foreshore and for regulating the hours during which bathing may take place therefrom and may by such byelaws prescribe the use of decent and sufficient bathing garments. A.D. 1890.
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9. The Board may from time to time annex to any license granted to the owner or lessee of any bathing machine such conditions as to the employment of boats boatmen and attendants for the purpose of ensuring the safety of bathers as the Board may think fit and as to the qualifications of such boatmen and attendants and any owner or lessee of any bathing machine who or any of whose boatmen attendants or servants shall commit a breach of any such conditions shall be liable to a penalty not exceeding five pounds and the Board may in the event of conviction suspend or revoke the license of any such owner or lessee. Power to annex conditions to licenses of bathing machine proprietors.

10. The Board may employ and pay boatmen for the purpose of protecting persons whilst bathing. Protection of bathers.

11. Provided always that nothing herein contained shall be construed to affect alter abridge or take away any of the powers or authorities rights or privileges vested in the commissioners appointed under and by virtue of the following Acts of Parliament or either of them namely an Act passed in the tenth year of the reign of His Majesty King George the Fourth intituled "An Act for making an embankment on the north-west side of the leasowes in the township of Wallasey and Great Meols in the county of Chester to prevent the further encroachment of the sea and the injury to arise therefrom to the low lands contiguous and to the Port of Liverpool" and an Act passed in the seventeenth and eighteenth years of the reign of Her Majesty Queen Victoria intituled "An Act to make further provision for the maintenance and repair of the Wallasey Embankment and for other purposes." Saving for Wallasey Embankment Commissioners.

12. This part of this Act shall not apply to so much of the foreshore and open land as shall for the time being be lawfully enclosed and nothing in this Act shall take away alter or abridge any right of any owner of property abutting on the foreshore or open lands to the same or to enclose or (except as otherwise expressly provided by this Act or by any byelaw made under this Act) otherwise deal with the foreshore or open lands or any portion thereof respectively. Part II. not to apply to enclosed lands.

PART III.—STREETS BUILDINGS AND SEWERS.

13. The deposit with the Board of any plan of any street or building shall be null and void if the execution of the work specified Deposit of plan to be void after

A.D. 1890. in such plan be not commenced within the following periods (that
is to say) :—

—
certain
interval.

As to plans deposited after the passing of this Act within three
years from the date of such deposit : and

As to plans deposited before the passing of this Act within three
years from the passing of this Act :

And at the expiration of those respective periods fresh notice and
deposits shall unless the Board otherwise determine be requisite.

Powers to
vary position
or direction
of new
streets.

14. The Board may by order vary or alter the intended position
or direction of any intended new street for the purpose of causing
it to communicate in a direct line with any other street adjoining or
leading thereto The Board shall make compensation to all persons
injuriously affected by the exercise of the powers of this section.

Protection of
footways.

15.—(1.) Every person desirous of forming a communication for
horses or vehicles across any footway so as to afford access to any
premises from any street shall first give at least fourteen days'
notice in writing to the Board of his intention to do so and shall
before permitting the use of such communication construct a suffi-
cient crossing over the footway of the street of such materials and
in such manner as shall be satisfactory to the surveyor of the Board
Any person who makes default in complying with the provisions of
this enactment shall be liable to a penalty not exceeding five pounds
and to a daily penalty not exceeding one pound.

(2.) Any person who drives or permits or causes to be driven
any horse or vehicle across any footway (whether paved or not)
except over such part thereof on which a sufficient communication
has been made shall for each such offence be liable to a penalty
not exceeding one pound and to pay in addition any damage thereby
occasioned.

Power to
name or
alter names
of streets
and names
to be put up
and houses
to be
numbered
&c.

16. The Board may name any street or any part of a street
which is without a name or which bears two names and may from
time to time alter the name of any street or of any part of a street
and may from time to time paint engrave or otherwise describe
and place the name of any street or of any part of a street on a
conspicuous part of any building or other erection at or near each
end corner or entrance thereof and number every building or other
erection therein on the door thereof or otherwise as they think
proper and if any person wilfully or without sufficient reason
destroys obliterates defaces removes or without the consent of the
Board alters any such name or number or any part thereof he shall
be liable to a penalty not exceeding forty shillings.

17. From and after the passing of this Act—

A.D. 1890.

The re-erection wholly or partially on the same site of any building of which the outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof;

What to be deemed new buildings.

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings;

shall for all the purposes of this part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a "new building" and the word "building" shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

18. No new building shall without the approval of the Board be erected on the side of any street not existing at the commencement of this Act which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite to the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be. In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Height of buildings.

19. In every new building every room used as a dwelling or sleeping room shall be in every part thereof eight feet six inches in height at least from the floor to the ceiling except rooms in the roof and every room in the roof so used shall be at least eight feet in height from the floor to the ceiling above one-fourth of the area of the floor and shall have vertical walls at least five feet in height.

Height of rooms.

20. No building which was not at any time before the passing of this Act occupied as a dwelling-house shall be so occupied until the drainage thereof shall have been made and completed and a proper water supply shall have been laid on thereto nor until a certificate

Certificate that houses fulfil certain requirements.

A.D. 1890. — shall have been granted by the surveyor to the owner that such house is in every respect in accordance with the byelaws and requirements for the time being in force. Provided that if the surveyor shall fail to give such certificate within seven days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime have specified to the owner which of the aforesaid byelaws and requirements have not been complied with with respect to such building then such building shall be thenceforth deemed to be in every respect in accordance with the aforesaid byelaws and requirements and may be occupied as a dwelling-house. And if any building shall be occupied contrary to the provisions of this section the owner of such building if he shall occupy or shall allow to be occupied and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power of inspection.

21. The surveyor and his assistants may at any reasonable times inspect any building in progress of construction or any work connected therewith and for such inspection he and they shall have from the builder free of expense all reasonable use and assistance of ladders scaffolding and plant in and about the building or works inspected. The owner or his agent or the builder shall give forty-eight hours' notice in writing to the surveyor before the commencement of the building and before any foundation of a new building or any sewer or drain is covered up and the like notice after any work required by the Board to be done in amendment of any irregularity has been completed and before the same is covered up.

Power of surveyor on inspecting.

22. If the surveyor on inspecting any building or work finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to any enactments or byelaws in force in the district or to the plans and sections approved by the Board in pursuance of any such byelaws or whether anything required by any such enactments byelaws or plans and sections has been omitted to be done the surveyor shall within twenty-four hours after such inspection give to the owner or his agent or to the builder or person engaged in erecting such building or doing such work notice in writing requiring such builder or person within forty-eight hours from the service of such notice to cause so much of any building or work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down and such builder or other person shall forthwith comply with the notice

so given Provided always that the expense of cutting into laying open or pulling down as the case may be any such building or work and of reinstating the same and a reasonable sum for the delay occasioned thereby shall be borne and paid by the Board if it shall appear on inspection that such enactments byelaws plans and sections have not been infringed. A.D. 1890.

23. Before commencing the removal or taking down or the erection or repair of any building abutting on or within six feet of any street being a highway or any other operations whereby any part of any such street may be obstructed or rendered inconvenient or dangerous the contractor or other person having control of the work shall cause to be put up a hoard or fence and also if required by the surveyor an overhead covering or hood and a convenient platform and hand-rail to serve as a footway for passengers in such position and of such dimensions and for such period and subject to such conditions as the surveyor may approve on application being made to him and shall maintain the same respectively in good condition to the satisfaction of the surveyor and such contractor or other person shall on receiving permission from the surveyor and before putting up such hoard or fence pay to the Board a sum equal to one halfpenny per month for every superficial yard of land enclosed from the street during the period for which permission is granted. Hoards to be set up during progress of buildings &c.

The said erections shall be removed by such contractor or other person within the period limited by the surveyor and on the removal of such erection the pavement or flagging of the street shall be restored or made good by the Board and the cost thereof shall be paid by such contractor or other person.

24. If any vacant or waste land is in the opinion of the Board from want of sufficient protection or enclosure dangerous to the passengers along any street the Board may by notice require the owner or occupier of such land to enclose the same so as to prevent any danger therefrom and if within fourteen days from the service of such notice such owner or occupier shall fail to comply with the requirements thereof the Board may cause such land to be enclosed in such manner as they may think fit and the expense thereby incurred shall be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction. Fencing in of vacant land.

25. (1) Where on the plan of any building whether built before or after the passing of this Act as deposited with and approved by the Board a part of such building is described or shown as or appears to be intended to be separated from the remainder Prevention of lock-up shops and other places of business

A.D. 1890.

being im-
properly
used for
purposes of
habitation.

of such building for the purpose of being used as a lock-up shop workshop shed or place of business and not a dwelling-house the use of such part of such building for the purposes of human habitation shall be an offence and every person who shall wilfully so use or knowingly suffer to be so used such part of such building shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) Provided that if such part of such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act or byelaw for the time being in force with respect to buildings intended to be used as dwelling-houses and if such part of such building has undergone the structural alterations (if any) necessary in the opinion of the Board for converting it into a dwelling-house the Board may on the application of the owner thereof authorise the same to be used as a dwelling-house.

(3) Any justice of the peace by warrant under his hand may authorise any officer of the Board at any time to enter upon and examine any building suspected of being used in contravention of this section.

(4) Every person who shall prevent or obstruct any such officer so authorised (and producing such authority if required) from or in making such inspection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding the like sum.

As to repair
of vaults
&c. under
streets.

26. All vaults arches and cellars at any time subsisting under any street and all openings into such vaults arches or cellars in the surface of any such street and all cellar heads gratings lights and coal holes existing in the surface of any such street and all landings flags or stones of the path or street supporting the same respectively shall be by the owners or occupiers of the same or of the houses or buildings to which the same respectively belong kept in substantial repair and in good and proper condition and so as not to occasion any injury to the street or passengers therein and in default thereof the Board may after twenty-four hours' notice in that behalf cause the same respectively to be repaired and put in good order and the expenses of so doing may be recovered summarily from the owner or occupier in default.

Back yards
to be paved
&c.

27. The back yards of all houses which shall be built after the passing of this Act shall be formed with such fall and shall for the space of at least one hundred and fifty square feet be flagged or asphalted or paved with such materials as shall be satisfactory to

the Board for the purpose of carrying off the surface water to the drains of such houses and if the back yard of any house erected before or after the passing of this Act shall not be so formed flagged asphalted or paved so as to allow of the surface water being carried off as aforesaid the Board may give to the owner of such house notice in writing requiring him within seven days after such notice shall have been so given to proceed to form and to flag asphalted or pave such back yard so as to allow of the surface water being carried off to the drain of such house and within twenty-one days after such notice shall have been so given to complete such several works to the satisfaction of the Board and if such owner shall make default in complying with any of such requirements to the satisfaction of the Board within the respective times aforesaid the Board may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Board by such owner and shall be recoverable as a penalty under this Act is recoverable or shall be deemed private improvement expenses and be recoverable accordingly.

A.D. 1890.

28. If any court or passage leading to the back of several buildings in separate occupations (such court or passage not being a public highway) be not regularly and effectually swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Board the Board may if they think fit (after twenty-four hours' notice to the occupiers of such buildings of their intention to exercise the powers of this section) sweep and clean such court or passage and the expense thereby incurred may be recovered in a summary manner in equal proportions from the occupiers of the buildings in the court or to the back of which the passage leads.

Penalty for not keeping common courts and passages clean.

29. The Board may from time to time make and enforce bye-laws for all or any of the following purposes (that is to say) For prescribing the times for the removal or carriage through the streets of any foecal or offensive or noxious matter or liquid whether such matter or liquid shall be in course of removal or carriage from within or without or through the district and that the vessel receptacle cart or carriage used therefor shall be properly constructed so as to prevent the escape of any such matter or liquid and for compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.

Power to make bye-laws for sanitary purposes.

30. No cesspool shall be made or continued on any premises if there is a sewer belonging to the Board within one hundred feet of any part of such premises fit to receive the drainage thereof except

Cesspools.

A.D. 1890.

when in the opinion of the Board the making or continuance of such cesspool shall be unavoidable and when any cesspool shall be allowed to be made it shall be constructed in such situation and in such manner as the Board shall direct Every person who shall make a new cesspool contrary to the provisions of this section or who shall continue an existing cesspool for two months after notice in writing from the Board to discontinue the same shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Public
waterclosets
urinals and
lavatories.

31. The Board may erect and maintain or permit to be erected and maintained in any street or on land belonging to them or on land belonging to any person with the consent of the owner lessee or occupier thereof for the time being waterclosets urinals and lavatories for the use of the public and may charge for the use of such waterclosets and lavatories erected or maintained by them such sums as they may think proper and the Board may make byelaws for the management of such waterclosets urinals and lavatories and for the conduct of the persons using the same Every watercloset urinal or lavatory erected by permission of the Board under this section shall be subject to such terms and conditions as the Board may prescribe with respect to the charges if any to be made for the use thereof and for repairing and keeping the same in proper order and for closing or removing the same if and when required by the Board but nothing herein shall be held to authorise a charge for the use of a public urinal.

Under-
takings to
bind
successive
owners.

32. Every undertaking or agreement in writing given by or to the Board to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Board and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Board a copy of such undertaking or agreement and any intending owner of property shall be entitled to information from the Board as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist.

Placing
matters in
sewers so as
to affect run
of water.

33. It shall not be lawful for any person to throw or to suffer or permit to be thrown or to pass into any drain or sewer any matter or substance which would interfere with the free flow of the

sewage or surface or storm water or which would be injurious to the drains or sewers and every person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1890.

34. Every person who having had notice from the Board of the provisions of this section shall at any time after the expiration of seven days from the service of such notice turn or knowingly permit to enter into any sewer or drain communicating therewith any waste steam condensing water or heated water from any boiler or other receptacle used with any steam engine or for any manufacturing or trade purpose (such water being of a higher temperature than one hundred and ten degrees of Fahrenheit) shall be liable for every such offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds. The Board or any of their officers duly authorised in this behalf by writing under the hand of the clerk to the Board and producing such authority if required may enter into any premises for the purpose of examining whether the provisions of this section are being contravened and if such admission be refused any justice on complaint thereof on oath by any officer of the Board (made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises) may by order under his hand require such person to admit the officer of the Board into the premises and any such order shall continue in force until the offence shall have ceased or the works necessary to prevent the recurrence thereof shall have been executed.

Steam &c.
not to be
turned into
sewers.

35. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Board the Board may and shall make so much of such sewer or drain as is to be constructed under any public highway and also the junction of such sewer or drain with the sewer of the Board and may and shall execute all necessary works for those purposes upon the reasonable cost or estimated cost thereof being paid to the Board or the payment thereof to them being secured to their satisfaction.

Board
may make
communica-
tions
between
private
drains and
their sewers
on payment
&c.

36. In cases where two or more houses erected after the passing of this Act are connected with a single private drain which conveys their drainage into a public sewer the Board shall have all the powers conferred by section 41 of the Public Health Act 1875.

Extension of
section 41 of
the Public
Health Act
1875.

37. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty

Exemption
in respect
of Her
Majesty's
buildings.

A.D. 1890. Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

PART IV.—PRIVATE STREET WORKS.

Definition of street.

38. "Street" in this part of this Act means (unless the context otherwise requires) a street as defined by the Public Health Act 1875 and not being a highway repairable by the inhabitants at large.

Definition of paving metalling and flagging.

39. The expression "paving metalling and flagging" used in this part of this Act shall include macadamising asphaltting gravelling kerbing and every method of making a carriageway or footway and words referring to paving metalling and flagging shall be construed accordingly.

Private street works.

40.—(1) Where any street or part of a street is not sewered levelled paved metalled flagged kerbed channelled made good and lighted to the satisfaction of the Board the Board may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this Act called private street works) (that is to say) To sewer level pave metal flag kerb channel or make good or to provide proper means for lighting such street or part of a street and the expenses incurred by the Board in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting adjoining or abutting on such street or part of a street Any such resolution may include several streets or parts of streets or may be limited to any part or parts of a street.

(2) The surveyor shall prepare as respects each street or part of a street—

(a) A specification of the private street works referred to in the resolution with plans and sections (if applicable):

(b) An estimate of the probable expenses of the works:

(c) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act:

Such specifications plans sections estimates and provisional apportionments shall comprise the particulars prescribed in Part I. of the Schedule to this Act and shall be submitted to the Board who may by resolution approve the same respectively with or without modification or addition as they think fit.

A.D. 1890.

(3.) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in Part II. of the Schedule to this Act and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment. During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the offices of the Board and shall be open to inspection at all reasonable times.

41. During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any part of the expenses of executing the works may by written notice served on the Board object to the proposals of the Board on any of the following grounds (that is to say):—

Objections to proposed works.

(a) That an alleged street or part of a street is not or does not form part of a street within the meaning of this Act:

(b) That a street or part of a street is (in whole or in part) a highway repairable by the inhabitants at large:

(c) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate:

(d) That the proposed works are insufficient unreasonable or unnecessary or that the estimated expenses are excessive:

(e) That any premises ought to be excluded from or inserted in the provisional apportionment:

(f) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as herein-after provided) in respect of the degree of benefit to be derived by any persons or the amount or value of any work already done by the owner or occupier of any premises.

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common.

42. (1) The Board at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and at the time and place so appointed any such court

Hearing and determination of objections.

A.D. 1890.

may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the same provisions with respect to stating a case as if the Board were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or may amend the resolution plans sections estimates and provisional apportionments or any of them on the application either of any objector or of the Board. The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

(2) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Board and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

Incidental works.

43. (1) The Board may include in any works to be done under this Act with respect to any street or part of a street any works which they think necessary for bringing the street or part of a street as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of separate sewers for the reception of sewage and of surface water respectively.

(2) The Board in any estimate of the expenses of private street works may include a commission not exceeding two pounds ten shillings per centum (in addition to the estimated actual cost) in respect of surveys and superintendence.

Apportionment of expenses.

44. In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part of a street in respect of which the expenses are to be incurred shall unless the Board otherwise resolve be apportioned according to the frontage of the respective premises but the Board may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (that is to say) :—

(a) The greater or less degree of benefit to be derived by any premises from such works :

(b) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street but which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly. But no premises which do not front adjoin or abut on such street or part of a street as aforesaid shall be included unless there is an access thereto from the street in respect of which the expenses are to be incurred or from an immediately adjoining street.

A.D. 1890.

45. The Board may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount of the estimate in respect of any street or part of a street is increased such estimate and the provisional apportionment shall be published in the manner prescribed in Part II. of the Schedule to this Act and shall be open to inspection at the Board offices at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

Amendment
of plans &c.

46. (1) When any private street works have been completed and the expenses thereof ascertained the surveyor shall make a final apportionment by dividing the expenses in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment (as the case may be) and such final apportionment shall be conclusive for all purposes and notice of such final apportionment shall be served upon the owners of the premises affected thereby and the sums apportioned thereby shall be recoverable in manner provided by this Act or in the same manner as private improvement expenses are recoverable under the Public Health Act 1875 including the power to declare any such expenses to be payable by instalments.

Final appor-
tionment and
recovery of
expenses.

(2) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may by a written notice to the Board object to such final apportionment on the following grounds or any of them:—

- (a) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent.:
- (b) That the final apportionment has not been made in accordance with this section:
- (c) That there has been an unreasonable departure from the specification plans and sections:

A.D. 1890.

(d) That the interest has been increased by unreasonable delay in ascertaining the expenses or making the apportionment.

(3.) Objections under this section shall be determined in the same manner as objections to the provisional apportionment.

Charge on premises.

47. (1) Any premises included in the final apportionment and all estates and interests from time to time therein shall stand and remain charged (to the like extent and effect as under section 257 of the Public Health Act 1875) with the sum finally apportioned on them or if objection has been made against the final apportionment with the sum determined to be due as from the date of the final apportionment with interest at the rate of five pounds per centum per annum and the Board shall for the recovery of such sum and interest have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

(2) The Board shall keep a register of charges under this Act and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Board shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Board.

Recovery of expenses summarily or by action.

48. The Board if they think fit may from time to time (in addition and with prejudice to any other remedy) recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum together, with interest at a rate not exceeding five pounds per centum per annum from the date of the final apportionment till payment thereof.

Contribution by Board to expenses.

49. The Board if they think fit may at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate.

Exemption from expenses of incumbent of church.

50. The incumbent or minister or trustee of any church chapel or place appropriated to public religious worship which is for the time being by law exempt from rates for the relief of the poor shall not be liable to any expenses of private street works as the owner of such church chapel or place or of any churchyard or burial ground attached thereto nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial ground or to subject the same to distress execution

or other legal process but the proportion of expenses in respect of which an exemption is allowed under this section shall be borne and paid by the Board. A.D. 1890.

51. All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this part of this Act and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within twenty years. Power for limited owners to borrow for expenses.

52. The Board may from time to time with the sanction of the Local Government Board borrow on the security of the district fund and general district rate moneys for the purpose of temporarily providing for expenses of private street works and the powers of the Board to borrow under the Public Health Act 1875 shall be available as if the execution of private street works under this Act were one of the purposes of the Public Health Act 1875. Power of Board to borrow for private street works.

53. Whenever all or any of the private street works in this Act mentioned have been executed in a street or part of a street by the Board and the Board are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large: Adoption of private streets.

Provided that no such street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street by notice in writing to the Board object thereto and in ascertaining such majority joint owners shall be reckoned as one owner.

54. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Board) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Board shall within three months from the time of such application by notice put up in such street declare the same to be a highway repairable by the inhabi- On street being paved &c. Board to declare same public highway.

A.D. 1890.

tants at large and thereupon such street shall become a highway repairable by the inhabitants at large.

Separate accounts of expenses of works.

55. The Board shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this Act relating to private street works. All moneys recovered by the Board under this part of this Act in respect of street works shall be applied in the execution of other private street works or in repayment of moneys borrowed for the purpose of executing private street works.

PART V.—SANITARY PROVISIONS.

Cowkeepers and others to furnish lists of customers in certain cases.

56. Whenever it shall be certified to the Board by the medical officer of health or by any other registered medical practitioner that the outbreak or spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Board may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the district and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Board shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Medical officer may inspect dairies &c. beyond district in certain cases.

57. In case the medical officer of health shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the district from any farmhouse dairy cowshed milkshop or place situate beyond the boundary of the district or that the consumption of milk from such farmhouse dairy cowshed milkshop or place is likely to cause infectious disease to any person residing in the district such medical officer shall if authorised in that behalf by any order of a justice having jurisdiction in the place where such farmhouse dairy cowshed milkshop or place is situate have power to inspect such farmhouse dairy cowshed milkshop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Board who may thereupon give

notice to the occupier of such farmhouse dairy cowshed milkshop or place not to supply any milk therefrom within the district until such notice has been withdrawn by the Board and the Board shall forthwith give notice of the facts to the sanitary authority of the district acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 in which such farmhouse dairy cowshed milkshop or place is situate and also to the Local Government Board in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the provinces of such authorities respectively. Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any such farmhouse dairy cowshed milkshop or place or after any such notice by the Board has been given supplying any milk therefrom within the district or selling it for consumption therein until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings. Provided always that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milkshop or place is situate.

A.D. 1890.

58. Whenever it shall be certified to the Board by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes the Board may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles or has washed or mangled during the past six weeks and such person or company shall furnish such list accordingly and the Board shall pay to him her or them for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

59. Where the Board are of opinion on the certificate of their medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection

Further powers in relation to disinfection of premises.

A.D. 1890.

would more effectually be carried out by the Board than by the owner or occupier of such house or part thereof the Board without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the Board in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

60. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

61. No person shall without the sanction in writing of the medical officer of health or other registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

62. If any person shall die from any infectious disease in any hospital or place of temporary accommodation and the medical officer of health or any other registered medical practitioner certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and

when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds. But nothing in this section shall prevent the removal of any dead body from any such hospital or place of temporary accommodation to any public mortuary and such mortuary shall for the purposes of this section be deemed part of such hospital or place of temporary accommodation.

A.D. 1890.

63. Where the body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or other registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building any justice may on the application of the medical officer of health order the body to be removed at the cost of the Board to any mortuary provided by the Board and may direct the same to be buried within a time to be limited in the order or such justice may in the case of the body of any person who has died from any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Justices may in certain cases order dead bodies to be buried.

64. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

A.D. 1890.

Detention
of infected
person with-
out proper
lodging in
hospital by
order of
justice.

65. The provisions of the Public Health Act 1875 respecting infectious diseases and hospitals shall be and are hereby extended so as to authorise any court of summary jurisdiction having jurisdiction in the district upon certificate of the medical officer of health to make an order directing the detention in hospital at the cost of the sanitary authority of any person in the district suffering from any infectious disease and not provided with lodging or accommodation in which proper precautions can be taken to prevent the spreading of the disorder by such person. Any order so to be made by any such court shall be limited to some specific time not exceeding one month but with full power to any such court if it shall seem necessary to enlarge such time as often as may be shown to be necessary by certificate of the said medical officer. It shall be lawful for any sanitary officer or inspector of police on any such order being made to take all necessary measures and do all necessary acts for enforcing the execution thereof.

Temporary
shelter and
nurses.

66. The Board shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and shall also provide or contract with some person or persons to provide nurses for attendance upon the members of any family suffering from any infectious disease within the district or upon children who may have been compelled to leave their dwellings as aforesaid and may charge a reasonable sum for the service of any nurse provided by them.

Extension
of sections
116 to 119
(inclusive)
of Public
Health Act
1875.

67. The provisions contained in sections 116 to 119 (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the district.

Powers of
entry for
purposes of
sections 49
120 and 121
of Public
Health Act
1875.

68. For the purpose of carrying into effect the provisions of sections 49 120 or 121 of the Public Health Act 1875 the Board may by any officer appointed in that behalf and producing his authority if required enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

Saving for
Acts relating
to animals,
&c.

69. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any Act amending the same or of any order license or act of the Board of Agriculture made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or exempt

the slaughter-houses or knackers' yards to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament. A.D. 1890.

PART VI.—WATER AND GAS.

70. It shall be lawful for the Board from time to time to make byelaws for the testing and stamping of water fittings and for requiring any person employed in or about the erection alteration or repair of any water pipes or fittings to give notice thereof to the Board as soon as practicable specifying also the premises affected by such work : Byelaws for testing and stamping water fittings.

No byelaws made under this section shall have any retrospective operation with regard to work done prior to such byelaws coming into force :

Provided that any such byelaws shall apply only in the case of premises to which the Board are bound to afford and do in fact afford or are prepared to afford a constant supply of water :

The provisions of this section shall be in addition to and not in derogation of any other powers relating to the matters aforesaid vested in the Board.

71. If any person forges or counterfeits any stamp or mark used by the Board or by authority of the Board for any of the purposes of this Act or uses or supplies anything marked with any such stamp or mark which he knows to be forged or counterfeited or abets the commission of any offence against this section he shall be liable on summary conviction to a fine not exceeding twenty pounds. Forging stamps or marks.

72. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from any rent from time to time due from him to the owner. Rate payable by owner for small houses.

73.—(1.) It shall be lawful for the Board to supply gas or water by agreement to any local or sanitary authority company or person beyond the district on such terms and conditions in all respects and for such periods as the Board and such local or sanitary authority company or person may from time to time agree but no such supply shall be furnished to any company or person except with the consent in writing of the sanitary authority in whose district Power to supply gas or water to local authorities and others.

A.D. 1890. the premises of such company or person are situate which consent may be determinable by a six months' notice in writing Provided that in regard to the supply of water under this section no such supply shall interfere with the Board giving a proper supply for all purposes to persons within their district.

(2.) For the purposes of affording a supply of gas or water under this section the Board may exercise the powers of the Gasworks Clauses Act 1847 or the Waterworks Clauses Act 1847 (as the case may be) with respect to the breaking up of streets for the purpose of laying pipes within the district of any sanitary authority immediately adjacent to the district Provided that no such power shall be exercised without the consent in writing of the road authority and of the sanitary authority and subject to any conditions as to affording or discontinuing the supply of gas or water as such sanitary authority may impose.

(3.) At any time after the laying down of any gas or water mains pipes or apparatus under this section the Board shall if required by the sanitary authority of the district within which such mains pipes or apparatus are situate sell to that authority all such gas mains pipes and apparatus or water mains pipes and apparatus at such price and on such terms and conditions as may be settled by agreement between the Board and the sanitary authority or failing agreement as may be determined by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party and from and after such sale the powers of the Board to supply gas or water (as the case may be) under this section shall in regard to the district to which such sale relates cease and the purposes of this sub-section shall be deemed to be purposes of the Public Health Acts.

PART VII.—MISCELLANEOUS PROVISIONS.

74. Section 27 (persons may be prevented from using ferry on refusal to pay toll) of the Act of 1867 shall extend and apply to persons refusing to produce on demand their contract or season tickets.

75. If any of the events mentioned in sub-sections 1 2 3 and 4 of section 54 of the Merchant Shipping Act Amendment Act 1862 shall occur in relation to any passenger ferry steamer of the Board whilst plying to or from any of their ferries at Seacombe and Liverpool during fog such event shall for the purposes of that section or any statutory modification thereof for the time being in force so far only as regards the plying of any such passenger ferry

Section 27
of Act of
1867 ex-
tended to
persons
refusing to
produce their
contract
tickets.
Passenger
ferry
steamers
plying
during fog.

steamers during fog be deemed to have occurred without the actual fault or privity of the Board. A.D. 1890.

76. The Cheshire justices of the peace for the petty sessional division of Wirral shall have jurisdiction over the ferry boats of the Board and over all persons on board of or embarking or disembarking on or from any such ferry boats in respect of any offence committed against any local Act or byelaw of the Board notwithstanding that the offence charged may have been committed in the River Mersey :

Cheshire justices to have jurisdiction in respect of offences in river.

Provided that nothing herein contained shall in any way prejudice or affect the jurisdiction of the stipendiary magistrate or justices of the peace or of the police of the city of Liverpool or the borough of Bootle or of the justices of the peace or police of the counties of Lancaster and Cheshire or either of them.

77. With respect to slaughter-houses the following provisions shall have effect :—

Further powers as to slaughter-houses.

(1) Licenses granted after the passing of this Act for the use and occupation of places as slaughter-houses or knackers' yards shall be in force for such time or times only as the Board shall think fit to specify in such licenses :

(2) The Board may require any slaughter-house existing at the passing of this Act which by reason of its surroundings or otherwise is a nuisance or prejudicial to health or decency to be discontinued as such on payment to the owner and occupier thereof of such compensation as shall be agreed or as in default of agreement shall be determined by arbitration in manner provided by the Public Health Acts.

78. The Board may on any special occasion but not exceeding twelve days in any one year nor more than four consecutive days on any one occasion close any public park garden pleasure ground or recreation ground against the public and may on such occasions admit thereto the members of any society or of any public or private institution or persons being attendants at or supported by any public or private institution or such other persons as the Board may think fit and the admission of every individual to any such park garden or ground on such occasions may be either with or without payment as directed by the Board Provided that the powers conferred by this section shall only be exercised in respect of one park garden pleasure ground or recreation ground at the same time.

Power to close pleasure grounds &c. on special occasions &c.

79. The Board may from time to time make byelaws for all or any of the following purposes (that is to say) :—

Byelaws.

For the preservation of order and good conduct among persons frequenting the promenades and foreshore :

A.D. 1890.

For regulating the erection of hoardings the exhibition thereon of advertisements and the maintenance repair and removal of such hoardings.

Expenses of execution of Act.

80. Any expenses of the execution by the Board of this Act with respect to which no other provision is made may be defrayed by the Board out of the district fund and general district rate.

As to appeal.

81. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any order certificate consent or approval of or by the Board or of or by any officer of the Board or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Penalties.

82. Every person offending against any of the provisions of Parts III. and V. of this Act shall except as otherwise provided be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding forty shillings.

Recovery of penalties &c.

83. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Authentication and service of notices.

84. Any notice or other such document under this Act may be in writing or print or partly in writing and partly in print and if the same require authentication by the Board the signature of the clerk or other duly authorised officer of the Board shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

General provisions as to byelaws.

85. All the provisions with respect to byelaws contained in sections 182 to 186 (both included) of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Board under the powers of this Act.

Saving rights of the Crown.

86. Nothing contained in this Act or in any byelaw made thereunder shall extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or exerciseable by the Queen's Majesty Her heirs or successors.

87. Nothing contained in this Act shall authorise the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

A.D. 1890.

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Saving rights of the Crown in the foreshore.

88. Nothing in this Act shall be deemed or taken to prejudice or affect any question which may hereafter arise between Robert Charles De Grey Vyner and the Board in respect of any right estate or interest which he may claim to or in any part or parts of the open land and foreshore.

Saving in favour of R. C. De Grey Vyner.

89. Provided always that nothing in this Act contained shall be deemed to extend or apply to any part of the estate for the time being of the Mersey Docks and Harbour Board within the district or to any works or buildings (except dwelling-houses) now or hereafter to be executed constructed or carried out on the said estate and used or intended to be used for or in connexion with the business or purposes of the Mersey Docks and Harbour Board under any power vested in them or prejudice or affect any of the rights powers or privileges of that Board.

Saving for Mersey Docks and Harbour Board.

90. Nothing in this Act or in any byelaw made under this Act contained shall in any way prejudice affect or alter any of the rights or powers of the Commissioners for the conservancy of the River Mersey.

Saving for Mersey Commissioners.

91. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of the district fund and general district rate or out of moneys to be borrowed on the security of that fund and rate and which moneys the Board are hereby authorised to borrow and required to repay in accordance with the provisions of the Public Health Acts.

Costs of Act.

A.D. 1890.

THE SCHEDULE.

PRIVATE STREET WORKS.

PART I.

PARTICULARS TO BE STATED IN SPECIFICATIONS PLANS AND SECTIONS ESTIMATES AND PROVISIONAL APPORTIONMENTS.

Specifications.—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimensions thereof.

Plans and Sections.—These shall show the constructive character of the works and the connexions (if any) with existing streets sewers or other works and the lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

PART II.

PUBLICATION OF NOTICE.

Any resolution notice or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the district and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

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