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CHAPTER lxxxv.

An Act to confer further powers of control over the seashore of the local government district of Waterloo with Seaforth in the County of Lancaster to make better provision in regard to streets and buildings and for other purposes. A.D. 1892.
[20th June 1892.]

WHEREAS the local government district of Waterloo with Seaforth in the county of Lancaster (in this Act called the District) is under the government of the Local Board of Health for the district of Waterloo with Seaforth (in this Act called the Board) who are the urban sanitary authority of the district:

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

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 thirty-first day of July one thousand eight hundred and ninety-one after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the "Waterloo Times" 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 "Waterloo Times" 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 fifth day of January one thousand eight hundred and

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A.D. 1892. ninety-two 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):—

Preliminary.

Short title. 1. This Act may be cited as the Waterloo with Seaforth Local Board Act 1892.

Interpretation. 2. In this Act the following words and expressions have the meanings hereby assigned to them unless the subject or context otherwise requires:—

“The district” means the local government district of Waterloo with Seaforth in the county of Lancaster as extended and defined by this Act;

“The Board” means the Local Board of Health for the district of Waterloo with Seaforth;

“The seashore” means and includes every part of the seashore foreshore and sands of the estuary of the River Mersey or Irish Sea within the district;

“The clerk” and “the surveyor” mean respectively the clerk and the surveyor 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.

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3. 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.

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—
Execution
and limits of
Act.

Seashore.

4. The boundary of the district on the western or seaward side is hereby extended to and declared to be the line of low water of the lowest spring tide of the estuary of the River Mersey or Irish Sea.

Defining sea
boundary of
district.

5. The seashore of the district 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 and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

Seashore to
be a street
for certain
purposes.

Every person who slaughters or dresses any cattle or any part thereof except in the case of any cattle over driven which may have met with any accident and which for the public safety or other reasonable cause ought to be killed on the spot;

Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution;

Every person who wilfully and indecently exposes his person;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language;

Every person who wantonly discharges any firearm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework;

Every person who throws or lays any dirt litter or ashes or nightsoil or any carrion fish offal or rubbish on any street or causes any offensive matter to run from any manufactory brewery slaughter-house butcher's shop or dunghill into any street Provided always that it shall not be deemed an offence to lay sand or other materials in any street in time of frost to prevent accidents or litter or other suitable materials to prevent

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the freezing of water in pipes or in case of sickness to prevent noise if the party laying any such things causes them to be removed as soon as the occasion for them ceases.

Board may
make bye-
laws as to
user of
seashore.

6. 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 seashore or the approaches thereto or any part or parts thereof of any booths tents sheds stands stalls shows exhibitions performances swings roundabouts switchback railways 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 seashore or any part thereof;

For regulating the selling and hawking of any article commodity or thing on the seashore;

For regulating the user of the seashore or any part thereof for riding and driving;

For the preservation of order and good conduct among persons frequenting the seashore.

Provisions
as to
bathing.

7.—(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 seashore 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 seashore or bathe in the sea 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 seashore 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 by persons bathing from such public bathing stations or from any other part of the seashore.

Protection
of bathers.

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

Chairs and
seats for
public use.

9. The Board may from time to time place or authorise any person to place seats shelters and chairs on the seashore or in any

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street recreation ground or other public place for the use of the public and may if they think fit charge or allow such person to charge a reasonable sum for chairs and may make regulations with regard to the use of seats shelters and chairs and for preventing injury or damage thereto.

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10. Sections 6 and 9 of this Act shall not apply to so much of the seashore as shall for the time being be lawfully enclosed or appropriated and actually utilised for docks railways piers or other similar purposes.

Sections 6 and 9 not to apply to enclosed seashore.

11. Nothing in this Act shall be deemed or taken to prejudice diminish alter or affect any estates rights titles privileges powers or authorities in over or under the seashore or any part thereof vested in or exercisable by the lords of the manor for the time being of Litherland and Great Crosby or in or by the owners or owner for the time being of such seashore or any part thereof or any person claiming under their or his predecessor in title.

Saving rights of lords of the manor of Litherland and Great Crosby and owners of seashore.

12. 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 exercisable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

13. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exercisable by Her Majesty Her heirs or successors in right of Her said duchy.

Saving rights of the Duchy of Lancaster.

Streets and Buildings.

14. The deposit with the Board of any plan of any street or building shall be null and void if the execution of the work

Deposit of plan to be void after

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—
certain
interval.

specified in such plan be not commenced within the following periods (that is to say):—

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

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 notices and deposits shall unless the Board otherwise determine be requisite.

Powers to
vary
position or
direction
of new
streets.

15. 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 more 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.

Crossings
for horses
&c. over
footways.

16.—(1.) Every person desirous of forming a communication for horses or vehicles across any kerbed footway so as to afford access to any premises from a street shall first give notice in writing of such desire to the Board and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise.

(2.) If any person drives or permits or causes to be driven any horse or vehicle across any footway before such a communication has been made or on or along any part of any footway other than the part over which such a communication has been so made he shall for each such offence be liable to a penalty not exceeding forty shillings.

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

17. The Board may name any street or any part of a street which is without a name or which bears two names and may at the instance and with the consent of the majority in number and value of the ratepayers in any street alter the name of such street or of any part of a street. The Board may cause the name of any street or of any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection and may number every building or other erection therein on the door thereof or otherwise as they think proper. Any person who wilfully or without sufficient reason destroys obliterates defaces removes or without

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the consent of the Board alters any such name or number or any part thereof shall be liable to a penalty not exceeding forty shillings. A.D. 1892.

18. 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 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 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.

Certificate
that houses
fulfil certain
require-
ments.

19. Where any vacant or waste lands are in a state to cause a nuisance to the public the Board may serve a notice on the owner or occupier requiring him within a time thereby limited to effectually fence the same so as to exclude the public therefrom and if the owner or occupier fails to comply with the requisitions of the notice or to keep such lands effectually fenced the Board may cause such lands to be effectually fenced or the fences thereof to be repaired and may recover the expenses incurred thereby summarily.

Fencing of
vacant
lands.

20. Every undertaking or agreement in writing given after the passing of this Act 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

Under-
takings to
bind
successive
owners.

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Exemption
in respect
of Her
Majesty's
buildings.

21. 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 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.

Exempting
buildings
&c. of
railway
companies.

22. The provisions of this Act in relation to buildings shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of their railway except with respect to the drains or other sanitary appliances.

Private Street Works.

Definition
of street.

23. "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.

24. The expression paving metalling and flagging used in this part of this Act shall include macadamising asphaltting gravelling cementing kerbing and every method of making a carriage-way or footway and words referring to paving metalling and flagging shall be construed accordingly.

Private
street works.

25.—(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. A.D. 1892.

(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.

(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 the 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.

26. 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

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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.

Hearing and
determina-
tion of
objections.

27.—(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 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 matter 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.

28.—(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 five pounds per centum (in addition to the estimated actual cost) in respect of surveys superintendence and notices such commission when received to be carried to the credit of the district fund. A.D. 1892.

29. 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) :—

Apportionment of expenses.

(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.

30. 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.

31.—(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 Final apportionment and recovery of expenses.

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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 Acts including the power to declare any such expenses to be payable by instalments.

(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 specifications plans and sections ;

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

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

Charge on premises.

32.—(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 four 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.

33. The Board if they think fit may from time to time (in addition and without 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

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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.

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34. 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.

Contribution by Board to expenses.

35. 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.

Exemption from expenses of incumbent or minister of church or chapel.

36. 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

37. 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.

38. 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

Separate accounts of expenses and works.

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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.

Railways
abutting
but not
communi-
cating with
street not
to be
chargeable.

39. No railway company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any street as defined in this part of this Act shall wholly or partially front or abut and which shall at the time of the laying out of such street be used by such company solely as a part of their line of railway sidings station or works and shall have no direct communication with such street and the expenses incurred by the Board under the powers of the Public Health Acts or of this part of this Act which but for this provision such company would be liable to pay shall be repaid to the Board by the other owners having frontages abutting on such street and in such proportion as shall be settled by the surveyor and in the event of such company subsequently making a communication with such street they shall notwithstanding such repayment as last afore-said pay to the Board the expenses which but for the foregoing provision such company would in the first instance have been liable to pay And the Board shall divide among the other owners for the time being having frontages abutting on such street the amount so paid by such company to the Board less the costs and expenses attendant upon such division in such proportion as shall be settled by the surveyor whose decision shall be final and conclusive This section shall not apply to any street existing at the date of the passing of this Act.

Miscellaneous Provisions.

Expenses
of execution
of Act.

40. 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.

Audit of
accounts
under this
Act.

41. All accounts of receipts and expenditure of the Board under this Act shall be audited in like manner and with the same consequences as the other accounts of the Board are audited under the Public Health Act 1875.

As to appeal.

42. 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

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appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. A.D. 1892.

43. 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. Recovery of penalties &c.

44. In the case of any notice or other such document under this Act requiring 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 1875 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. Authentication and service of notices.

45. All the provisions with respect to byelaws contained in sections 182 to 186 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. Provided that the Secretary of State shall be the confirming authority for byelaws under section 6 of this Act. General provisions as to bye-laws.

46. 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 re-pay in accordance with the provisions of the Public Health Acts. Costs of Act.

A.D. 1892.

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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